



**LEBANON PLANNING BOARD
NOVEMBER 24, 2025 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

To participate in this meeting, please join live via Microsoft Teams or call 929-229-9356 (Access Code: 461 457 655#). If you have trouble accessing this meeting, please [email Tim Corwin](mailto:Tim.Corwin@lebanonnh.gov).

1. Call to Order

- A. The November 24, 2025, Planning Board meeting is hereby called to order.

2. Public Hearing Items

- A. **Brickyard One Nominee Trust, Hanover Street (Tax Map 48, Lot 1), zoned R-1, R-O-1, R-3 & RL-3:** On December 17, 2024, applicant obtained Site Plan approval and a Conditional Use Permit for a proposed 474-unit multi-family Planned Unit Residential Development (PURD) (PB2024-22-SPRCUP). Applicant now requests Final Major Subdivision approval to subdivide the 136-acre property into four (4) condominium units. **PB2025-45-FMAJ - Continued from November 10, 2025**

3. Study Items

- A. Review and Comment to City Council on Proposed Zoning Map and Text Amendments

4. Committee Reports

- A. **City Council Subcommittees:**
--Class VI Roads Advisory Committee
--Lebanon Energy Advisory Committee
- B. **Other Subcommittees:**
--City Council Representative
--Heritage Commission
--Pedestrian & Bicyclist Advisory Committee
--Upper Valley Lake Sunapee Regional Planning Commission
--UV Subcommittee of the Connecticut River Joint Commissions
--Upper Valley Transportation Management Association
--Mascoma River Local Advisory Committee
--West Lebanon Revitalization Advisory Committee
- C. Planning Board Development Regulations Subcommittee
- D. Minor Site Plan Committee
- E. Housing Task Force

5. Other Business

- A. Planning Board process improvement/implementation of Rules of Procedure
- B. Planning Board Training
- C. Planning Board Committee Assignments

6. Approval of Minutes

- A. November 10, 2025

7. Adjournment

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public who wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupt virtual or phone connection(s), the meeting will continue without remote access capabilities.

Any person with a disability who wishes to attend this public meeting and needs additional accommodation, please contact the ADA coordinator at City Hall by calling 603-448-4220 at least 72 hours in advance so that the City can make any necessary arrangements.

**CITY OF LEBANON ~ PLANNING & DEVELOPMENT****MEMORANDUM**

TO: Lebanon Planning Board

FROM: Planning and Development Department Staff

RE: 2025-2026 Proposed Zoning Amendments

DATE: November 17, 2025

Attached is the list of proposed zoning amendments for the 2025-2026 cycle.

The purpose of the Planning Board review of the amendments is to provide feedback to City Staff and City Council. A review of the amendments will also be done by the Zoning Board of Adjustment and the Conservation Commission. Leading up to this meeting, the Planning Department Staff has held public information sessions about the map amendments and presented the amendments to yourself and Heritage Commission at public meetings to get feedback. Staff has taken the feed back into account in the versions presented to City Council. Two more public question and answer sessions are scheduled for December.

The amendments are broken up in to six categories. The first category is amendments required due to State legislative updates. The second category is map amendments. These map amendments are the result of the 120 Corridor Study that was completed in 2024. The study area was broken in to three areas for the purpose of rezoning: Centerra/Alteria, LaBombard Road, and Heater Road. The final map amendments for this area are for conservation purposes that protect an existing wildlife corridor from further development. Included in the map amendments are corresponding text amendments. The third category consists of amendments that are sponsored by City Boards. The fourth category is larger text amendments to entire sections of the Zoning Ordinance. The fifth category is smaller miscellaneous and technical amendments, such as changes to definitions. And the final category is petitioned amendments. Petitioned amendments are amendments brought forward by members of the public and not City staff or Boards. Legal option letters from the City's attorney are included as part of this information packet.

Please note that there are two amendments proposed for Section 607.8 "Electric Vehicles". The City Council has created a working group to navigate having multiple amendments proposed for the same topic.

The amendments included in this packet include:

1. State Legislative Updates:
 - a. **Amendment 1:** HB1361: Manufactured Homes
 - b. **Amendment 2:** HB631: Multifamily Residential
 - c. **Amendment 3:** HB284: Residential Parking Requirements
 - d. **Amendment 4:** HB577: ADUs
2. Map Amendments and corresponding text amendments:
 - a. **Amendment 5:** Centerra/Altaria
 - b. **Amendment 6:** Conservation Area
 - c. **Amendment 7:** LaBombard Road
 - d. **Amendment 8:** Heater Road
 - e. **Amendment 9:** Wildlife Corridor Map and Text
 - f. **Amendment 10:** Northern Lebanon Use Tables & Text
3. City Board, Commission, Committee Sponsored Amendments
 - a. **Amendment 11:** Section 408: Historic District (Heritage Commission Sponsored)
 - b. **Amendment 12:** Mobile Food Service Vending Ordinance (Food Truck Task Force)
 - c. **Amendment 13:** EV Regulations Section 607.8 (LEAC Sponsored)
4. Text Amendments
 - a. **Amendment 14:** Section 608: Signs; Definitions: Window Signs & regulatory streamlining
 - b. **Amendment 15:** Section 411: Pattern Zones Overlay District
 - c. **Amendment 16:** Section 509: Cottage Cluster Developments
5. Misc & Technical Amendments
 - a. **Amendment 17:** Definition of ***Care and Treatment of Animals*** broken down & change of corresponding use tables.
 - b. **Amendment 18:** Section 1000
 - c. **Amendment 19:** Definition of **Lot** & Definition of **Agriculture**
 - d. **Amendment 20:** Changes to Impact Fees
6. Petitioned Amendments
 - a. **Petitioned Amendment 1: Map Amendment** Rezoning of Parcels along Old Pine Tree Cemetery Rd from RL-2 to R-3. Representative: Dan Nash, PE
 - b. **Petitioned Amendment 2: Map Amendment** Rezone Parcel 26-2 on Etna Road from IND-L and RL-3 to GC-1. Representative: Dan Nash, PE
 - c. **Petitioned Amendment 3:** Change of Light Industrial Use Table: Addition of "Vehicular Repair" to IND-L. Representative: Chip Brown
 - d. **Petitioned Amendment 4:** Amendment to the Electric Vehicle Ordinance, Section 607.8. Representative: Jon Livadas

STAFF MEMORANDUM

Proposed Zoning Amendments

November 17, 2025

Page 3 of 3

Below is the 2025-2026 Zoning Amendment Schedule. Over the next few months, the 20 Zoning Amendments and the 4 petitioned amendments will be reviewed by the land use boards. Any comments from the Boards will be compiled and given to City council for the review and Public Hearings in January.

Amendment	Date	Who	Staff Responsibility
2025-26 Amendments	8/18/2025	Planning Staff	Get packet to Crystal for PB meeting
2025-26 Amendments	8/25/2025	Planning Board	PB Final Consideration Meeting
2025-26 Amendments	9/2/2025	Planning Staff	Get packet to Crystal for PB meeting
2025-26 Amendments	9/8/2025	Planning Board	Extra: PB Final Consideration Meeting, if needed
2025-26 Amendments	End of Aug - Beginning of Sept	Planning Staff	Staff Complete Writing Draft Ordinances
2025-26 Amendments	9/22/2025	Planning Staff	Packet due to David for City Council Meeting
2025-26 Amendments	10/1/2025	City Council	Order to Land Use Boards
2025-26 Amendments	10/9/2025	Planning Staff	Send to Legal for Review
2025-26 Amendments	10/27/2025	Legal	Legal Review Letters Due
2025-26 Amendments	10/27/2025	Planning Staff	Get ZBA Packet to Tiffany
2025-26 Amendments	11/3/2025	ZBA	ZBA Review of Amednments
2025-26 Amendments	11/6/2025	Planning Staff	Get ConCom Packet to Crystal
2025-26 Amendments	11/13/2025	Conservation Commission	ConCom Review of Amendments
2025-26 Amendments	11/17/2025	Planning Staff	Get PB Packet to Crystal
2025-26 Amendments	11/24/2025	Planning Board	PB Review of Amendments
2025-26 Amendments	12/18/2025	Planning Staff	Due: Public Notices and RSA written and reviewed
2025-26 Amendments	12/29/2025	Planning Staff	Get Packet to David for Countil Meeting
2025-26 Amendments	1/7/2026	City Council	Council call for Public Hearing
2025-26 Amendments	1/8/2026	Planning Staff	RSA Letters go out
2025-26 Amendments	1/12/2026	Planning Staff	Get Packet to David for Countil Meeting
2025-26 Amendments	1/21/2026	City Council	Council Public Hearing
Planning Board Meeting			
City Council Meeting			
ZBA Meeting			
ConCom Meeting			

Amendment 1

Manufactured Homes

From: State Law Changes – 2024 HB 1361

1 The amendment is necessary to be in compliance with changes in State statute 2024 HB 1361.

2 State Change:

3 2024 HB 1361 – Manufactured Homes

4 This bill requires municipalities that adopt land use control measures to provide reasonable and
5 realistic opportunities for the siting of manufactured housing on individual lots and in
6 manufactured housing parks and subdivisions within residential districts. The bill also directs
7 municipalities to provide reasonable and realistic opportunities for expansion of existing
8 manufactured housing parks.

9
10 1 Local Land Use Planning and Regulatory Powers; Manufactured Housing. RSA 674:32, I is
11 repealed and reenacted to read as follows:

12 I.(a) Municipalities shall afford reasonable and realistic opportunities for the siting of
13 manufactured housing as required in subparagraph

14 (b) and a municipality shall not exclude manufactured housing completely from the
15 municipality by regulation, zoning ordinance or by any other police power.

16 (b) A municipality that adopts land use control measures shall allow, in its sole discretion,
17 manufactured housing to be located:

18 (1) On individual lots in most, but not necessarily all, land areas and lots in districts
19 zoned to permit residential uses within the municipality; or

20 (2)(A) In manufactured housing parks, as defined in RSA 205-A:1, II, in most, but
21 not necessarily all, land areas and lots in districts zoned to permit residential uses
22 within the municipality; and

23 (B) In subdivisions created for the placement of manufactured housing on
24 individually owned lots in most, but not necessarily all, land areas and lots in
25 districts zoned to permit residential uses within the municipality; or

26 (3) In all 3 types of locations.

27 (c) Manufactured housing located on individual lots pursuant to subparagraph (b)(1) shall
28 comply with lot size, frontage requirements, space limitations and other reasonable
29 controls that conventional single-family housing in the same district must meet. No special
30 exception or special permit shall be required for manufactured housing located on
31 individual lots pursuant to subparagraph (b)(1) or manufactured housing subdivisions
32 pursuant to subparagraph (b)(2)(B) unless such special exception or permit is required by
33 the municipality for single family housing located on individual lots or in subdivisions.

34 (d) Municipalities permitting manufactured housing parks pursuant to subparagraph
35 (b)(2)(A) shall afford reasonable and realistic opportunities for their development. In order
36 to provide such opportunities, lot size and overall density requirements for manufactured
37 housing parks shall be reasonable and realistic.

38 (e) Municipalities shall allow reasonable and realistic opportunities for the expansion of
39 manufactured housing parks existing as of July 1, 2024. For expansion of existing
40 manufactured housing parks, municipalities shall not require standards stricter than NFPA
41 501A, "Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and
42 Communities".

Amendment 1

Manufactured Homes

From: State Law Changes – 2024 HB 1361

44 Proposed Zoning Changes:

45 SECTION 209 MANUFACTURED HOUSING.

46 Manufactured housing units are permitted only in manufactured housing parks or in
47 manufactured housing PURDs. See Section 503 (“MANUFACTURED HOUSING PARKS”) and
48 Section 504 (“MANUFACTURED HOUSING PURDs”). Manufactured Housing Units shall also
49 be allowed in zoning districts that allow one-family dwellings with the following conditions:

50 1. The Manufactured housing unit shall be a one-family dwelling

51 2. The Manufactured housing unit shall be on a foundation

52 3. A manufactured housing unit shall not be used as an ADU

53 4. Design elements such as landscaping, porches, pitched roofs, and stone or bricks
54 accents are encouraged

55 4.5. The manufactured housing unit shall follow all setbacks, parking, and regulations
56 of the zoning district.

57 2.6. Manufactured housing units are not eligible for the Pattern Zones Overlay District
58 zoning enhancements.

Amendment 2

Multi-family Residential Development

From: State Law Changes – 2025 HB 631

1 The amendment is necessary to be in compliance with changes in State statute HB 631.

2
3 HB 631 requires municipalities to allow multi-family residential development on commercially
4 zoned land, provided that adequate infrastructure for roads, water and sewerage systems are
5 available to support that development. Municipalities may still restrict residential development in
6 zones where industrial and manufacturing uses are permitted. Nevertheless, municipalities may
7 require that ground floor space in the commercial zone property may be required to be
8 dedicated in whole or in part to retail or similar uses. Where an existing building is being
9 repurposed to adaptive reuse for residential purposes, municipalities shall afford exemptions to
10 setbacks, height or frontage of a building, provided these dimensional elements do not change.
11 When implementing this new mandate locally, the definitions in the statute must be adhered to
12 in determining whether the proposed use must be permitted; however, municipalities are not
13 required to update their zoning ordinances with these definitions.

14 The City of Lebanon already allows for multi-family residential development in all impacted
15 zoning districts except for the MC district. MC is limited in area within the city and contains the
16 DHMC main campus. A code change for the MC district will resolve the State mandated
17 changes. The proposed use code change is as follows:

Amendment 2

Multi-family Residential Development

From: State Law Changes – 2025 HB 631

SECTION 315 MEDICAL CENTER DISTRICT (MC).

315.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Special Exception</u> (see Section 801.3)
	1. Recovery Houses
	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Commercial/Non-Residential</u> Essential service Group day care facility per Section 604 Health club Hospice Medical center complex per Section 506 - Medical office building Medical research facility Renewable energy system per Section 612 Retail product pickup	<u>Commercial/Non-Residential</u> Drive-through facility Financial institution Inpatient rehabilitation facility Motel Hotel Office Parking facility Personal service Restaurant Retail store Multi-Family Residential <u>Planned Developments</u> - Commercial PUD per Section 501

Amendment 3

Residential Parking Minimums / Maximums

From: State Law Changes – 2025 HB 284

The amendment is necessary to be in compliance with changes in State statute HB 284. The legislature and the governor are reducing the minimum parking requirements for a dwelling unit to one space per unit. The reduction in the minimum required also triggers the need to change the maximum parking spaces allowed as well.

SECTION 607 PARKING.

607.1 Table of Minimum Off-Street Parking Requirements.

- A. Except as otherwise provided below, a **lot** shall provide the minimum number of **off-street parking spaces** as set forth in the following "Table of Minimum Off-Street Parking Requirements." For uses not listed in the table, the minimum requirement shall be that of the closest similar use as determined by the Zoning Administrator.
- B. The minimum number of required **off street parking spaces** for **lots** with more than one principal use shall be determined per Section 607.6 ("Shared Parking").
- C. The minimum number of required off-street parking spaces for **accessory uses** shall be calculated separately from the principal use where the minimum parking requirement for the **accessory use** is less than that required for the **principal use**.
- D. For residential uses as defined in RSA 676:16-a, I, an alternative parking solution as that term is defined in RSA 676:16-a, I, may be authorized by the Planning Board notwithstanding the requirements of the Table of Minimum Off-Street Parking Requirements pursuant to RSA 676:16-a ("On Site Parking Requirements").

TABLE OF MINIMUM OFF-STREET PARKING REQUIREMENTS
(Rounded down to the nearest whole - See Section 607.2)

<u>TYPE OF USE</u>	<u>UNITS OF MEASUREMENT</u>	<u>PARKING SPACES PER UNIT (I.E. RATIO)</u>
RESIDENTIAL		
Dwelling, One-family/Two-family detached and attached	Dwelling units	1.02-0
Dwelling , Studio Apartment	Dwelling units	1.0
Dwelling , Apartment, One-bedroom and up	Dwelling units	1.04-5
Senior Housing	Dwelling units	1.0

Amendment 3

Residential Parking Minimums / Maximums

From: State Law Changes – 2025 HB 284

<u>TYPE OF USE</u>	<u>UNITS OF MEASUREMENT</u>	<u>PARKING SPACES PER UNIT (I.E. RATIO)</u>
<i>Group residence</i>	Residents	0.33
<i>Lodging house</i>	Rental units	2.0 base + 1.0/bed
<i>Cottage Development</i>	<i>Cottage</i>	1.0
INSTITUTIONAL, ETC.		
<i>Medical center complex</i>	<i>Gross floor area</i>	1.0/425 sq. ft.
Hospital, <i>nursing home</i>	Beds & Employees on largest shift	0.33/bed & 0.33/employee
Houses of worship and other places of public assembly (i.e. theaters, auditoriums, recreational facilities, conference or meeting facilities and the like.)	Seats or <i>gross floor area</i> of assembly area if no seats	0.33/seat or 1/20 sq. ft.
Group day care	Employees and clients	1.0/employee & 1.0/8 clients
<i>Membership club</i>	<i>Gross floor area</i>	1/300 sq. ft.
SCHOOLS		
Elementary, Jr. High	Classrooms	3.0
Senior High	Classrooms	5.0
Post secondary and Voc-Ed	<i>Gross floor area</i>	1/300 sq. ft.
COMMERCIAL		
<i>Motel, hotel</i>	Rental Units	1.2 plus <i>restaurant</i> component, if applicable.
<i>Tourist home</i> , bed and breakfast	Rental units	2.0 (base) + 1.0 per unit plus <i>restaurant</i> component, if applicable.
<i>Restaurant</i>	Seats	0.33
Bowling alleys	Lane	4.0
<i>Office</i>	<i>Gross floor area</i>	1.0/250 sq. ft.
Retail	<i>Gross floor area</i>	1.0/200 sq. ft.
Retail- e.g. convenience store, bakery, take-out food establishments	<i>Gross floor area</i>	1.0/200 sq. ft.
<i>Personal service</i>	<i>Gross floor area</i>	1.0/250 sq. ft.
Banks	<i>Gross floor area</i>	1.0/250 sq. ft.

Amendment 3

Residential Parking Minimums / Maximums

From: State Law Changes – 2025 HB 284

<u>TYPE OF USE</u>	<u>UNITS OF MEASUREMENT</u>	<u>PARKING SPACES PER UNIT (I.E. RATIO)</u>
Furniture store, major appliance store, carpet store, vehicular sales , nursery, greenhouses	Gross floor area	1.0/600 sq. ft.
Automotive services (i.e. repair facilities, tire sales and mounting)	Service bays	4.0/Bay
Funeral home	Gross floor area in assembly rooms	1.0/75 sq. ft.
Other commercial	Gross floor area	1.0/600 sq. ft.
Alternative Treatment Center	Gross Floor Area	1.0/250 sq. ft.
Alternative Treatment Center (Cultivation Location Only)	Gross Floor Area	1.0/600 sq. ft.
INDUSTRIAL		
Warehouse (includes self-storage) and truck/ bus terminal	Gross floor area	1.0/1,000 sq. ft.
Light industry & Research lab	Gross floor area	1.0/600 sq. ft. or 1.0/employees for the largest shift (whichever is larger)
Outdoor storage and sales	Gross area of storage/sales	1.0/2,000 sq. ft.

607.2 Reduction of Minimum Required Parking Spaces.

The Planning Board may allow by **conditional use** permit a reduction of up to 30% in the number of **off-street parking spaces** required to be built, provided an area is reserved on the approved site plan to accommodate the minimum number of required **off-street parking spaces** should they become necessary in the future. The construction of any unbuilt parking spaces shall be reviewed and approved by the Planning Board as a modification of the approved site plan.

607.3 Maximum Off-Street Parking Requirement.

A. The maximum off-street parking allowed is 120% of the minimum requirement set forth in Section 607.2. (For example, if a use or development is required to have 100 **off-street parking spaces**, then the maximum allowed for that use or development is 120 **off-street parking spaces**.) ~~The maximum parking requirement shall not apply to one-family and two-family dwellings.~~

Amendment 3

Residential Parking Minimums / Maximums

From: State Law Changes – 2025 HB 284

The maximum off-street parking allowed for residential uses is 200% of the minimum requirement set forth in **TABLE OF MINIMUM OFF-STREET PARKING REQUIREMENTS**.

B. Off-street parking in excess of 120% but not more than 150% of the minimum requirement for commercial or mixed-use properties set forth in Section 607.2 may be permitted as set forth below.

1) The following categories of parking spaces shall not be counted towards the 120% maximum set forth in subsection A, but shall be subject to the 150% cap set forth in subsection B:

- a. Spaces provided within a ***parking structure***.
- b. Spaces dedicated for vehicles participating in a carpool, vanpool, or car-share program. Such spaces shall be reserved and used only for carpool, vanpool, or car-share program parking, and shall be signed or marked accordingly.

2) For spaces other than those described in subsection B.1), the Planning Board may approve parking in excess of the 120% maximum set forth in subsection A by ***conditional use*** permit provided that the following criteria are met:

- a. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;
- b. The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity; and,
- c. The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.
- d. In no case shall the Planning Board approve parking for any use or development that exceeds 150% of the minimum requirement as set forth in Section 607.2.

C. Exception. The maximum parking requirements set forth in subsections A and B shall not apply to any change of use within an existing ***building*** which does not require Site Plan review or where no additional parking spaces are proposed or required per Section 607.1.

607.4 CB, LD and PB Parking.

Uses in the CB District, LD District, and the PB District are subject to the maximum off-street parking requirements of Section 607.3, but are exempt from the minimum off-street

Amendment 3

Residential Parking Minimums / Maximums

From: State Law Changes – 2025 HB 284

94 parking requirements of Section 607.1 because of the availability of public parking.
95 However, parking requirements in these districts shall be as required by the Planning
96 Board through its Site Plan Review of new uses or changes or expansion of use.

97 607.5 Off-Lot Parking.

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99
100 Parking shall be provided on the same **lot** as the use for which the parking is accessory,
101 except as follows:

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103 A. In the IND-L, IND-H, IND-RA, GC, GC-1, CB, LD, RO, RO-1, PB, and MC Districts,
104 the Planning Board may approve private off-lot parking as a **conditional use**
105 permit. Instead of the findings required by Section 302.4, the Board shall determine
106 that:

- 107
108 1. The minimum number of required **off-street parking spaces** as calculated
109 pursuant to Section 607.1, and per Section 607.4 for developments in the
110 CB, LD, and PB Districts, cannot feasibly be accommodated on-site.
- 111
112 2. The off-lot use to be served is an allowed use in the zoning district in which
113 the off-lot parking area will be located.
- 114
115 3. The off-lot parking area is in an appropriate location for the use served by
116 the parking and will not be detrimental to abutting properties.
- 117
118 4. Such parking arrangements are either permanently deeded and recorded
119 or conveyed by an irrevocable 99-year lease or some other legal
120 instrument, acceptable to an attorney representing the City, and submitted
121 with the Conditional Use Permit application for approval by the Planning
122 Board. Such legal agreement shall ensure that such parking arrangement
123 will remain as long as the need exists.
- 124
125 5. The off-lot parking will not constitute a hazard to traffic or pedestrians.

126
127 B. For conversions of **one- or two-family dwellings** to **multi-family dwellings** or
128 where adding additional **dwelling units** to an existing **multi-family dwelling**, the
129 Planning Board may approve private off-lot parking, as a **conditional use** permit.
130 Instead of the findings required by Section 302.4, the Board shall determine that:

- 131
132 1. The minimum number of required **off-street parking spaces** cannot
133 feasibly be accommodated on-site.
- 134
135 2. The off-lot parking area is on a lot that is (i) adjacent to the **dwelling**
136 involved, and (ii) located in a zoning district that allows **multi-family**
137 **dwellings** to the same extent as allowed in the zoning district where the
138 **multi-family dwelling** is located.

Amendment 3
Residential Parking Minimums / Maximums
From: State Law Changes – 2025 HB 284

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3. The off-lot parking area is appropriately screened from abutting properties.
 4. The off-lot parking will not be detrimental to abutting properties.
 5. Such parking arrangements are permanently and irrevocably deeded and recorded or conveyed by an irrevocable 99-year lease or some other legal instrument, acceptable to an attorney representing the City, and submitted with the Conditional Use Permit application for approval by the Planning Board. Such legal agreement shall ensure that such parking arrangement will remain as long as the need exists.
 6. The off-lot parking will not constitute a hazard to traffic or pedestrians

Amendment 4

Accessory Dwelling Unit

From: State Law Changes – 2025 HB 577

The amendment is necessary to be in compliance with changes in State statute HB577.

SECTION 610 ACCESSORY DWELLING UNIT (ADU).

Accessory dwelling units are intended as an option for homeowners to offer separate and independent living space for their extended families, or to offer small **dwelling units** as rentals to offset the expense of maintaining the **dwelling**.

An **accessory dwelling unit** shall comply with the following criteria:

A. An **ADU** is allowed on any **lot** in any zoning district with a **one-family dwelling or two-family dwelling**. ~~For lots in any zoning district with a two-family dwelling, a detached or attached ADU is allowed.~~ Only one such **ADU** is permitted per **lot**. The dwelling unit density requirements of the underlying zoning district shall not apply to ADUs.

B. ~~If attached, the appearance and character of the existing or proposed ADU shall remain single family in nature if converting a one-family dwelling to a one-family dwelling with an ADU, and shall remain two-family in nature if converting a two-family dwelling to a two-family dwelling with an ADU. If detached, the A detached~~ **ADU** shall maintain the primary building's architectural style, proportional mass, size, and height to ensure it is not taller than the principal building on the lot. A **detached ADU** may be permitted to be taller than the principal building by **special exception**.

C. The property owner must occupy one of the **dwelling units** as their permanent residence. A temporary leave of absence of no more than one (1) year by the property owner is allowed, provided the owner-occupied unit is not rented or occupied by anyone other than the property owner during the temporary leave or absence.

Prior to the issuance of a zoning permit, the owner shall record in the Grafton County Registry of Deeds an Accessory Dwelling Unit Owner Occupancy Restriction, in a form satisfactory to the Zoning Administrator, in order to put prospective buyers on notice of the prohibition against renting out both units. All recording fees shall be the responsibility of the applicant.

D. ~~The ADU must be located in the same building as the principal dwelling unit(s) unless the lot meets or exceeds the minimum required lot size for the respective zoning district. If the lot meets or exceeds the required minimum lot size, the ADU may be located in a separate detached accessory structure such as a garage or barn, provided the existing accessory structure conforms with the minimum required yard requirements for the respective zoning district. An ADU may also be in a new structure. By special exception, the Zoning Board of Adjustment may~~

Amendment 4

Accessory Dwelling Unit

From: State Law Changes – 2025 HB 577

allow an **ADU** to be located in a detached **structure** on a **lot** that is non-conforming to the minimum lot size and/or to be allowed in an existing accessory **structure** that is legally non-conforming to the applicable minimum yard requirements.

E. ~~If the **ADU** is located within or by an addition to the existing **principal building**, an interior door shall be provided between the **ADU** and the principal **dwelling unit** or between the **ADU** and one of the principal **dwelling units** if the principal building is a **two-family dwelling**.~~

F. If applicable, the owner must seek a permit from the State of NH Dept. of Environmental Services Subsurface Systems Bureau, in accordance with NH RSA 485-A:38 and NH RSA 674:72, V, for any increased load on an existing sewage disposal system as a result of the addition of an **ADU** to the **lot**.

G. Size of ADU.

1. One-family dwellings. If the **gross living area** of the principal **dwelling unit** is 1,500 square feet or less, the **gross living area** of the **ADU** ~~shall not exceed may be nothe~~ greater ~~than of~~ 750 sq. ft. or 65% of the **gross living area** of the principal **dwelling unit**. If the **gross living area** of the principal **dwelling unit** is greater than 1,500 square feet, but less than 3,000 square feet, the **gross living area** of the **ADU** shall not exceed 960 square feet. If the principal **dwelling unit** is greater than 3,000 square feet, the **gross living area** of the **ADU** can exceed 960 square feet provided the **ADU** is no greater than 33% of the **gross living area** of the principal **dwelling unit**. If the **ADU** is located on a parcel of land greater than 4 acres a **detached ADU** can exceed 960 square feet provided that the **detached ADU** is no greater than 50% of the gross living area of the principal dwelling unit.

2. Two-family dwellings. If the **gross living area** of the smaller of the two principal **dwelling units** is 1,500 square feet or less, the **gross living area** of the **ADU** ~~may beshall not exceed the no~~ greater ~~of~~ 750 sq. ft. or ~~than~~ 65% of the **gross living area** of the smaller of the two principal **dwelling units**. If the **gross living area** of the smaller of the two principal **dwelling units** is greater than 1,500 square feet, but less than 3,000 square feet, the **gross living area** of the **ADU** shall not exceed 960 square feet. If the smaller of the two principal **dwelling units** is greater than 3,000 square feet, the **gross living area** of the **ADU** can exceed 960 square feet provided the **ADU** is no greater than 33% of the **gross living area** of the smaller of the two principal **dwelling units**.

H. ~~Any necessary additional entrances or exits to the **principal building**, to serve the **ADU**, shall be located to the side or rear of the **building**.~~ All new or altered **structures**, intended to be used as an **ADU**, must be located behind the **front building line** of the existing **principal building** except by **special exception** if the

Amendment 4

Accessory Dwelling Unit

From: State Law Changes – 2025 HB 577

Zoning Board finds that the placement of the **ADU** on the **lot** will not adversely affect the character of the neighborhood; traffic on roads and highways; safety of pedestrians, and will not create a hazard or nuisance to abutting property owners.

- I. In addition to the two-one (21) parking spaces required for each principal **dwelling unit**, one (1) additional parking space for the **ADU** must be provided either on-site or at a legally dedicated off-site location, at the property owner's discretion.
- J. An **ADU** located within the **principal building** shall have interconnected smoke and carbon monoxide alarms.
- A. An ADU Permit application submission shall include a minimum of the following materials and exhibits demonstrating compliance with the applicable Zoning Ordinance requirements:
 1. Existing and proposed site conditions and parking plan.
 2. Existing and proposed floor plans for all dwelling units and structures.
 - a. If applicable this floor plan shall show compliance with ADU entrance, interconnection and the smoke and carbon monoxide alarm plan requirements.
 3. A gross living area square footage calculation which includes existing and proposed floor plans, and a square footage calculation for both the primary dwelling and ADU demonstrating adherence with 610.G ADU Size pursuant to the definition of gross living area within Appendix A Definitions.
 4. A signed, recordable "Accessory Dwelling Unit Owner Occupancy Restriction".
 5. A bank or business check or money order for all recording fees made payable to the Grafton County Registry of Deeds.
 6. If applicable a copy of the State of NH Dept. of Environmental Services Subsurface Systems Bureau Approval and plans.
 7. If applicable a Water Connection Permit Application.
 8. If applicable a Sewer Connection Permit Application.
 9. Impact Fee Invoice Acknowledgment.

Amendment 4
Accessory Dwelling Unit
From: State Law Changes – 2025 HB 577

APPENDIX A DEFINITIONS

ACCESSORY BUILDING: A *building* subordinate and customarily incidental to the main *building* on the same lot. The term "accessory building", when used in connection with *agriculture* shall include all buildings customarily used for farm purposes.

ADU-ACCESSORY DWELLING UNIT (ADU): This term shall have the meaning as set forth in RSA 674:71, I, as amended, except that an ADU may also be located on a lot containing a two-family dwelling and the definition set forth in RSA 674:71, I, shall be interpreted and applied accordingly. A separate complete housekeeping unit that is either contained within or is attached to a ~~one-family dwelling~~, or within a detached ~~accessory building~~ on the same lot, for which the title is inseparable from the primary ~~dwelling~~. (See Section 610)

ADU, ATTACHED: This term shall have the meaning as "attached unit" as set forth in RSA 674:71, II, as amended.

ADU, DETACHED: This term shall have the meaning as "detached unit" as set forth in RSA 674:71, III, as amended.

Amendment 5

Northern Lebanon Map Amendment – Centerra / Altaría

From: Zoning Staff and 120 Corridor Study

Amendment 5 seeks to Rezone the Centerra / Altaría neighborhood to promote additional development in the area. The Centerra area of the amendment reflects the existing Deed Restricted uses within the neighborhood. The rezone will preserve the established use structure within the Centerra neighborhood. The rezone includes changing Alaría from Ind-L to GC-1. The zoning change will promote more possible housing and mixed-use development in the neighborhood. Please note that the existing Industrial lots within Centerra will remain unchanged as IND-L lots.

The Following Parcels are included:

Address	Parcel	Proposed Zoning	Current Zoning
0 Centerra Parkway	10-11-1400	CBD	IND-L
2 Morgan Drive	10-11-1300	CBD	IND-L
10 Morgan Drive	10-11-1302	CBD	IND-L
12 Centerra Parkway	10-11-100	CBD	IND-L
34 Centerra Parkway	10-11-300	CBD	IND-L
35 Centerra Parkway	10-11-1500	GC-1	IND-L
38 Centerra Parkway	10-11-400	GC-1	IND-L
41 Centerra Parkway	10-11-1600	GC-1	IND-L
46 Centerra Parkway	10-11-2000	GC-1	IND-L
11 Lafayette Street	10-11-2100	GC-1	IND-L
33 Morgan Drive	10-11-700	GC-1	IND-L
21 Lafayette Street	10-11-2300	GC-1	IND-L
20 Morgan Drive	10-11-1200	GC-1	IND-L
Cavendish Court	10-34	GC-1	IND-L
Cavendish Court	10-33	GC-1	IND-L
Cavendish Court	10-32	GC-1	IND-L
Cavendish Court	10-35	GC-1	IND-L
Cavendish Court	10-31	GC-1	IND-L
Cavendish Court	10-26	GC-1	IND-L
Cavendish Court	10-30	GC-1	IND-L

Amendment 5
Northern Lebanon Map Amendment – Centerra / Altaria
From: Zoning Staff and 120 Corridor Study

30	Cavendish Court	10-27	GC-1	IND-L
31	Cavendish Court	10-29	GC-1	IND-L
32	Cavendish Court	10-28	GC-1	IND-L
33	25 Foothill Street	24-14-100	GC-1	IND-L
34	Foothill Street	24-14-800	GC-1	IND-L
35	260 NH Route 120	24-14	GC-1	IND-L
36	14 Merchant Street	24-14-600	GC-1	IND-L
37	NH Route 120	24-16	GC-1	IND-L
38	15 Merchant Street	24-14-400	GC-1	IND-L
39	5 Merchant Street	24-14-500	GC-1	IND-L
40	6 Merchant Street	24-14-300	GC-1	IND-L
41	18 Merchant Street	24-14-200	GC-1	IND-L
42	0 Merchant Street	24-14-700	GC-1	IND-L
43	60 Alta Boulevard	10-12	GC-1	IND-L
44	Map Amendment follows:			

Amendment 6

Northern Lebanon Map Amendment – Conservation Area

From: Zoning Staff and 120 Corridor Study

Amendment 6 seeks to Rezone the several key properties in the area due to unique geographic features. Rezoning these areas to RL-3 will reduce the possible uses of the area from IND-L to RL-3 and will provide steep slopes protection. RL-3 includes steep slope protection. The change will target limited areas identified in studies over the years and referenced in the Northern Lebanon planning conversation. The alteration of the RL-3 map area in key sensitive locations allows for the Wildlife Overlay to be greatly reduced in scope by eliminating the need for wetland and steep slope protections by policy. This approach is much more limited and targeted to key sensitive geological and wildlife areas.

The Following Parcels are included:

Address	Parcel	Proposed Zoning	Current Zoning
67 – 69 Etna Road	26-2	RL-3 and IND-L Line Change	RL-3 and IND-L
85 Etna Road	37-4	RL-3 and IND-L Line Change	RL-3 and IND-L
96 Etna Road	37-5	RL-3 and IND-L Line Change	RL-3 and IND-L
101 Etna Road	37-7	RL-3 and IND-L Line Change	RL-3 and IND-L
0 Mt. Support Road	76-10	R-1 and RL-3 Line Change	RL-3 and R-1

Map Amendment follows:

Amendment 7

Northern Lebanon Map Amendment – LaBombard Road Area

From: Zoning Staff and 120 Corridor Study

Amendment 7 seeks to Rezone the several key properties in the LaBombard Road area. There are three notable inclusions and exclusions. See below for further explanation. The center of this rezoning request is to bring additional residential and mixed-use development opportunities into the Northern Lebanon area in the LaBombard neighborhood. The change will allow for possible residential as well and mixed-use within the area. Along with the proposed use changes several non-conformities are resolved.

The Etna Road area was excluded from rezoning consideration. Multiple business owners with manufacturing businesses along Etna Road requested to remain IND-L. During the public meetings held on the topic it was clear that the Etna Road area has been heavily built out as an industrial neighborhood. Further it appears that area will remain as an industrial focused neighborhood with little appetite or room to infuse residential use into the area. Thus, the Etna Road was removed from the request.

Hatch Amendment. A citizen petitioned amendment from last spring to reshape and rezone the zoning of 24 Labombard Road (51-21) has been included in the package. There is an adjustment of the zoning district boarder on the property and well as a change in the zoning district from IND-L to GC-1 along with the related properties in the LaBombard Road area.

Elks Property. The leadership of the Elks have requested a discussion about rezoning their property at 150 Heater Road from RL-1 and RL-3 to GC-1 to facilitate possible additional development as well as allowing their existing legal non-conforming use to be made conforming.

The Following Parcels are included:

Address	Parcel	Proposed Zoning	Current Zoning
150 Heater Road	51-13	GC-1	RL-1 and RL-3
0 LaBombard Road	64-34	GC-1	IND-L
174 Heater Road	64-23	GC-1	IND-L
13 LaBombard	64-22	GC-1	IND-L
25 LaBombard Road	64-25	GC-1	IND-L
33 LaBombard Road	51-15	GC-1	IND-L
24 LaBombard Road	51-12	GC-1 and RL-3	IND-L and RL-3
35 LaBombard Road	64-21	GC-1	IND-L

Amendment 7

Northern Lebanon Map Amendment – LaBombard Road Area

From: Zoning Staff and 120 Corridor Study

33	39 LaBombard Road	51-14	GC-1	IND-L
34	32 LaBombard Road	51-11	GC-1	IND-L
35	41 LaBombard Road	51-1	GC-1	IND-L
36	40 N LaBombard Road	51-10	GC-1	IND-L
37	52 N LaBombard Road	51-2	GC-1	IND-L
38	0 NH Route 120	50-29	GC-1	IND-L
39	50 N LaBombard Road	51-3	GC-1	IND-L
40	0 Etna Road	26-17	GG-1 and RL-3	IND-L and RL-3
41	Map Amendment follows:			

Amendment 8

Northern Lebanon Map Amendment – Heater Road Area

From: Zoning Staff and 120 Corridor Study

Amendment 8 seeks to Rezone the several properties in the Heater Road area. The area being proposed to be rezoned allows for the existing uses to be retained in the area and the rezoning diversifies the possible redevelopment of several vacant properties. Recently the former residential neighborhood in the area has been demolished and a blank canvas of redevelopment has been put into place. The direction of the possible redevelopment of this neighborhood has not yet been identified. The rezoning will allow a more diverse mixed-use set of uses to be conforming to the zone. Several properties, notably the truck stop and the Hypertherm manufacturing facility remain unchanged.

The Following Parcels are included:

Address	Parcel	Proposed Zoning	Current Zoning
5 Edwards	78-55	GC-1	IND-L
30 Little Heater Road	78-61	GC-1	IND-L
9 Pershing	78-48	GC-1	IND-L
175 Heater Road	64-30	GC-1	IND-L

Map Amendment follows:

Amendment 9

Northern Lebanon Wildlife Overlay

From: Zoning Staff and 120 Corridor Study

The following creates a Wildlife Corridor Overlay that requires the Planning Board as a part of its deliberations on an application within the Overlay to examine the impact of the development on wildlife passage through the corridor. The proposed District is significantly reduced in scope from previous versions and now only examines wildlife movement. Amendment 9 in combination with map Amendment 6 will enhance wildlife, steep slope and environmental protection within the 120 area.

SECTION 411 Northern Lebanon Wildlife Overlay District

411.1 Purposes.

The purposes of the Northern Lebanon Wildlife Overlay District are to:

- A. Preserve and protect the integrity of the wildlife corridor and crossings that connect otherwise fragmented habitats in the Northern Lebanon ecosystem, as well as preserving and maintaining interconnected wildlife habitats for native flora and fauna more generally. Doing so is vital for enabling wildlife movement, promoting genetic diversity in wildlife populations, and maintaining the biodiversity and ecological health of the region, and furthermore prevents the need for investment in expensive restoration measures in the future.
- B. Preserve, protect, and enhance scenic, scientific, and educational values associated with the wildlife within the district.

411.2 Description of Northern Lebanon Wildlife District.

The Northern Lebanon Wildlife District includes all areas as depicted on the Official Lebanon GIS system map layer.

411.3 Permitted Uses.

Uses permitted on the respective use tables of the underlying zoning district shall be permitted.

411.4 Accessory structures and minor expansions.

An accessory structure or building addition with a footprint up to a cumulative 1000 square feet may be administratively approved pursuant to the site plan regulations.

411.5 Additional Planning Board Approval Criteria.

In passing upon any application that requires Planning Board approval, the Planning Board shall make each of the following findings:

- A. The project makes adequate accommodation for the free movement of wildlife through the corridor.
- B. The project does not create an undue hazard or nuisance to the wildlife within the district.
- C. Wildlife crossings and essential wildlife conductivity within the Northern Lebanon Wildlife District are maintained.

Overlay Map Follows:

Amendment 10

Northern Lebanon Text Amendments

From: Zoning Staff

The following are the corresponding text amendments that go along with the proposed rezoning map amendments for the 120 Corridor. Please note the GC-1 use table is color coded based on what uses go with what map amendment. The purpose of the different uses for each map is to make sure an existing use does not become nonconforming with an approved zoning map amendment.

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

[...]

501.4 Commercial or Industrial Planned Unit Developments.

C. Tract Size: All Commercial or Industrial PUDs shall have a minimum tract size of 10 acres.

District	Minimum Tract Size
Industrial	10 acres
CB	10 Acres
GC	10 Acres
GC-1	10 Acres

D. Uses Allowed in a Commercial or Industrial PUD. Any non-residential use permitted or allowed by **special exception** or **conditional use** in the IND-L, CB, GC, or GC-1 Districts is allowed in a Commercial PUD. Such uses allowed by **special exception** or **conditional use** shall be considered permitted uses when included as part of a proposed Commercial PUD and shall not require separate **special exception** or **conditional use** approval.

Any non-residential use permitted or allowed by **special exception** or **conditional use** permit in the IND-L and IND-RA Districts is allowed in an Industrial PUD. Such uses allowed by **special exception** or **conditional use** shall be considered permitted uses when included as part of a proposed Industrial PUD and shall not require separate **special exception** or **conditional use** approval. Additionally, no more than 25 percent of the **gross floor area** in an Industrial PUD may be allocated to **hotels, restaurants, personal services** and retail sales necessary to serve the needs of the other businesses in the PUD (or of their employees).

Dwelling units in **one-family, two-family** and **multi-family dwellings** or appropriate mixes thereof may be allowed in Commercial or Industrial PUDs, at the discretion of the Planning Board, provided that the Board determines that such residential uses are compatible within the proposed PUD. For PUDs or portions thereof in the IND-L or IND-RA Districts, the density of residential uses allowed pursuant to this section shall be

determined based on a maximum of 25% of the net land area of the PUD not planned for open space, roads, or utilities and calculated at a density of 13 **dwelling units** per acre. For PUDs or portions thereof located in the GC, GC-1, or CB Districts, the density of residential uses allowed pursuant to this section shall be determined by the Planning Board pursuant to Sections 305.5, 305A.4, and 306.5, respectively. Where allowed, such **dwelling units** may be clustered together and/or distributed within the Commercial or Industrial PUD in **mixed use buildings** at the discretion of the Planning Board.

SECTION 508 PLANNED BUSINESS PARKS.

[...]

508.2 General Requirement. A **planned business park** is allowed as a Conditional Use in the Light Industrial District, General Commercial One District, Central Business District and the Industrial Rail Access District.

508.4 Sectors, Allowed Uses.

- A. The **planned business park** shall be shown on an approved Subdivision Plan and Use Allocation Plan. The Subdivision Plan and Use Allocation Plan approved by the Planning Board shall designate the allocation of the Industrial/ Office, Commercial and Residential Uses within the Park.
- B. No more than 20% of the net land area not planned for open space, roads, or utilities shall be used for the Commercial Sector.
- C. Unless limited by the Planning Board at the time of subdivision approval, the following uses shall be permitted.
 1. The following uses shall be permitted by right for any **planned business park** Industrial/Office Sector: **light industry**; **warehouse**; trucking terminal; publishing/printing; plumbing, electrical or carpentry shop; research laboratory; local government use; **essential service**; outdoor storage per Section 303.4 (less than 20%); **group day care facility** per Section 604; general business offices, research facilities, medical office buildings; **health clubs**, Educational Facility, College/University; Educational Facility, Vocational School; any use allowed in the Central Business (CB) District; and **accessory uses** to a permitted use. Retail showrooms per Sections 303.5 and 303A.5 shall be allowed by **conditional use** permit.
 2. The following uses shall be permitted by right for any **planned business park** Commercial Sector: **retail store(s)** up to a cumulative maximum of 20,000 sq. ft. of **gross floor area**; **personal service**; bank, branch bank; **restaurant**, sandwich shop/deli; refreshment stand; **office**; **motel**; **hotel**; movie theater;

89 **membership club; amusements (indoor);** printing (i.e. retail copy
90 store); radio or TV studio; **group day care facility** per Section 604;
91 local government use; ~~and health clubs;~~ any use allowed in the
92 Central Business (CB) District.

- 93
94 D. **Dwelling units** in **one-family, two-family** and **multi-family dwellings** or
95 appropriate mixes thereof at the discretion of the Planning Board, shall be
96 provided for in all **planned business parks**. The maximum number of
97 **dwelling units** allowed pursuant to this section shall be based on a
98 minimum of 15% and a maximum of 25% of the net land area of the park
99 not planned for open space, roads, or utilities and calculated at a density of
100 13 **dwelling units** per acre. Such **dwelling units** may be clustered together
101 and/or distributed within the Park at the discretion of the Planning Board.
102 For **planned business parks** in the GC-1 and CB District or portions
103 thereof, the density of residential uses allowed pursuant to this section shall
104 be determined by the Planning Board pursuant to Sections 305A.4 and
105 306.5, respectively.

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107 [...]

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305A General Commercial One District
305A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit (see Section 302.4)</u>
<u>Residential</u> 1. Multi-family dwelling (see Section 305A.4) <u>Commercial/Non-Residential</u> 2. Dwelling unit(s) above first floor 3. Essential service 4. Financial institution 5. Group day care facility per Section 604 6. Office 7. Personal service 8. Renewable energy system per Section 612 9. Bus Terminal 10. Hotel 11. Health Club 12. Local Government Use 13. Plumbing, electrical or carpentry shop 14. Publishing or Printing 15. Truck Stop 16. Ware house 17. Equipment & Machinery Sales & Service 18. Outdoor Storage (less than 70%)	<u>Commercial/Non-Residential</u> 1. Alternative treatment center per Section 613 2. Drycleaning pick-up station 3. Educational facility, college/university 4. Inpatient rehabilitation facility 5. Light industry 6. Research laboratory 7. Restaurant , sandwich shop 8. Retail store 9. Outdoor storage (more than 70%) 10. Car Wash 11. Vehicular Sales <u>Planned Developments</u> 1. Commercial PUD per Section 501 2. Manufactured Housing PURD per Section 504 3. Cottage Development 4. Industrial PUD per Section 501 5. Planned Business Park per Section 508 <u>Special Exception</u> (see Section 801.3) 1. Care and Treatment of Animals

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Etna Road Uses/Rezoning
Centerra/Alteria Rezoning

LaBombard Road Rezoning
Heater Road Rezoning

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148
149

306 Central Business District (CBD)
306.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. Dwelling unit(s) above first floor 2. Multi-family dwelling (see Section 306.5) 3. Senior housing complex	<u>Commercial/Non-Residential</u> 1. Craftsman's shop 2. Drive-through facility 3. Educational facility, college/university 4. Recovery Houses
<u>Commercial/Non-Residential</u> 4. Amusements (indoor) 5. Community center 6. Drycleaning pick-up station 7. Financial institution 8. Group day care facility per Section 604 9. Funeral home 10. Health club 11. Hotel 12. House of worship 13. Laundromat 14. Library 15. Local government use 16. Membership club 17. Motel 18. Museum 19. Office 20. Personal service 21. Radio or TV studio 22. Renewable energy system per Section 612 23. Restaurant, sandwich shop 24. Retail store 25. Social service center 26. Theater, concert hall, movie theater	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
	<u>Commercial/Non-Residential</u> 1. Essential service 2. Other uses per Section 306.4 3. Parking facility 4. Publishing/printing 5. Recreational facility, indoor 6. Recreational facility, outdoor 7. Research Laboratory <u>Planned Developments</u> 8. Commercial <u>or industrial</u> PUD per Section 501 8-9. <u>Planning Business Park</u>

150

Amendment 11

Historic District Design Standards

From: Lebanon Heritage Commission

1 The purpose of this amendment is to provide more guidance to the Heritage Commission when
2 making decisions and to the applicant when applying for a Certificate of Approval. The
3 ordinance provides a framework for the protection of properties and the distinct characteristics
4 of the historic district to ensure they are preserved.

5 6 7 8 SECTION 408 HISTORIC DISTRICT.

9 10 408.1 Authority.

11
12 This section is enacted pursuant to RSA 674:46. The City of Lebanon Heritage Commission
13 shall have the authority granted to it by RSA 674:44-a through d, et. seq., and this Ordinance.

14 15 408.2 Purposes.

16
17 The purpose of this Ordinance is to preserve the ~~heritage-historic~~ and cultural resources of the
18 City of Lebanon and, particularly, the City's structures and places of historic, architectural and
19 community value in order to:

- 20
21 A. Establish and preserve districts in the City which reflect elements of its cultural, social,
22 economic, political, community, and architectural history;
23
24 B. Conserve property values in such districts;
25
26 C. Foster civic beauty;
27
28 D. Strengthen the local economy; and,
29
30 E. Promote the use of historic districts for the education, pleasure, and welfare of the
31 citizens of the City.

32 33 408.3 Delineation of Historic Districts.

34
35 The areas and boundaries of the Historic Districts are shown on the Historic District Map of the
36 City of Lebanon and made a part of this Ordinance and the Official Zoning Map of the City of
37 Lebanon. The Historic District Map is attached hereto as Appendix C.

38 39 408.4 Certificate of Approval Required.

40
41 A Certificate of Approval shall be obtained from the Heritage Commission in the manner set
42 forth herein prior to the commencement of any of the following activities within any Historic
43 District:

- 44
45 A. The construction of any new **building**;

Amendment 11

Historic District Design Standards

From: Lebanon Heritage Commission

B. The addition to, alteration, or repair of any existing **building, lot or structure** which would require the issuance of a building permit pursuant to the provisions of the Lebanon Building Code, unless such addition, alteration, or repair does not, in any way, alter the exterior or appearance of such **building, lot or structure**;

C. The following activities, whether or not a building permit is required for such activities:

1. Roofing or re-roofing if it involves a change of design, materials or the roof plane ~~is changed~~;

2. Siding, including new and re-siding, if it involves a change of design or materials;

3. Painting if applied to a previously unpainted surface;

43. Replacement of doors and windows if it involves changes in the material, size, location, or number of openings in the exterior or facade of a building;

54. Replacement or enclosure of porches, decks, and patios if it involves a change in size, location, design, and/or materials;

65. Replacement of exterior stairs, landings, and overhangs if it involves a change in size, location, design, and/or materials;

7. Construction of or alteration to fences, walls, fountains, sculptures, monuments, permanent freestanding lighting, or similar manmade features if it involves a change of location, design or materials;

86. Demolition or moving of a **building** or **accessory building**.

No building permit (when applicable) shall be issued prior to the receipt of a Certificate of Approval for the above-described activities.

408.5 Activities Not Requiring Certificates of Approval.

The following activities are exempt from review by the Heritage Commission, and no Certificate of Approval shall be required:

A. Any repairs, alterations, or improvements that do not require a building permit pursuant to the Lebanon Building Code with the exception of the activities described in Section 408.4 herein;

B. Any repairs, alterations, or improvements to the interior of the **building**;

Amendment 11

Historic District Design Standards

From: Lebanon Heritage Commission

- ~~C. The re-roofing of a **building**, provided that the roof plane remains the same;~~
~~D. Painting or re-painting of the interior or exterior of any **building**; and,~~
~~E. Landscaping or fencing.~~

408.6 Criteria For Review.

In determining whether or not to grant a Certificate of Approval, the Heritage Commission shall keep in mind the purpose set forth in Section 408.2 herein and shall consider, among other appropriate factors, the following:

- A. The historical or architectural value of a **building** and its setting;
- B. In connection with additions, repair or restoration of any existing **building**, the compatibility of the exterior design, arrangement, texture, and materials proposed to be used in relationship to this existing **building**, its setting, and the Historic District as a whole; and,
- C. The size, scale, and design of proposed construction in relationship to the existing surroundings, including consideration of such factors as a **building's** overall height, width, street **frontage**, number of stories, type of roofs, facade openings (windows and doors), and **architectural details**.

When the Heritage Commission determines that it is necessary or advisable in order to preserve or protect historically and/or architecturally significant buildings, the Commission may require preservation and/or accurate reproduction of exterior architectural features. Preservation and/or reproduction measures shall be completed pursuant to the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (as of 9/3/2025):

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Amendment 11

Historic District Design Standards

From: Lebanon Heritage Commission

132 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship
133 that characterize a historic property shall be preserved.

134 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity
135 of deterioration requires replacement of a distinctive feature, the new feature shall match
136 the old in design, color, texture, and other visual qualities and, where possible, materials.
137 Replacement of missing features shall be substantiated by documentary, physical, or
138 pictorial evidence.

139 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic
140 materials shall not be used. The surface cleaning of structures, if appropriate, shall be
141 undertaken using the gentlest means possible.

142 8. Significant archeological resources affected by a project shall be protected and
143 preserved. If such resources must be disturbed, mitigation measures shall be
144 undertaken.

145 9. New additions, exterior alterations, or related new construction shall not destroy historic
146 materials that characterize the property. The new work shall be differentiated from the
147 old and shall be compatible with the massing, size, scale, and architectural features to
148 protect the historic integrity of the property and its environment.

149 10. New additions and adjacent or related new construction shall be undertaken in such a
150 manner that if removed in the future, the essential form and integrity of the historic
151 property and its environment would be unimpaired.

152
153 Applications for Certificates of Approval may be denied if such denial is required to prevent
154 construction or development which would conflict with the stated purposes of Section 408.2
155 herein.

156 408.7 Application Procedures.

157
158
159 The following procedures and any rules of procedure duly adopted by the Heritage Commission
160 shall be followed in processing applications for Certificates of Approval:
161

162 A. Written application for Certificates of Approval shall be made no later than 12:00 noon
163 of the 15th calendar day prior to a regularly scheduled meeting of the Heritage
164 Commission (to include the meeting date of the Commission) on forms provided by the
165 Zoning Administrator, and the applicant shall pay an application fee as adopted by the
166 City Council. The application may be filed simultaneously with any other application or
167 request for City land use permits, and the issuance of a Certificate of Approval shall not
168 be a precondition to the issuance of any other City land use permit with the exception of
169 a building permit, when applicable.

Amendment 11

Historic District Design Standards

From: Lebanon Heritage Commission

B. There shall be a public hearing on all applications for Certificates of Approval. The applicant and all **abutters** shall receive a notice of the public hearing by certified mail, and a public notice of the hearing shall be posted in at least two public places and shall be published in a newspaper of general circulation in the City of Lebanon. Said notice shall be given not less than five days, nor more than 30 days, before the date of the hearing.

C. At its meeting, the Commission shall review the application for completeness as specified in Section 408.8 herein. If the application is determined to be complete, then the Commission shall vote to accept the application and commence with the public hearing. If the application is not complete, then consideration of the application shall be suspended until it is complete.

D. The Commission shall review the application using the criteria set forth in Section 408.6 herein, and then shall act to approve, approve with conditions, or disapprove the application. In reviewing the application, the Commission may request reports and recommendations regarding the feasibility of the applicant's proposal from the Planning Board, Fire Chief, Building Inspector, Health Officer, and other administrative officials who may possess information concerning the impact of the proposal on the Historic District. The Commission may also seek advice from professional, educational, cultural, or other groups or persons as may be deemed necessary for the determination of a reasonable decision.

E. Within 45 calendar days from the filing of the application, unless the applicant agrees, in writing, to a longer review period, the Commission shall notify the applicant, in writing, of its action by means of the Certificate of Approval or Notice of Disapproval sent by certified mail. In case of disapproval, the Commission shall clearly set forth in a Notice of Disapproval the reasons for its action, with specific reference to standards contained in this Section.

F. Simultaneously with notifying the applicant, the Commission shall file a copy of the Certificate of Approval with the Zoning Administrator and the Building Inspector. The Building Inspector shall not issue a building permit for any activity in an Historic District requiring a Certificate of Approval until receipt of said Certificate. In the case of a disapproval, the Notice of Disapproval shall be binding on the Building Inspector or other duly delegated authority and no permit shall be issued.

G. Failure of the Commission to file said Certificate within the specified period of time shall constitute approval by the Commission.

408.8 Submittal Requirements.

Amendment 11

Historic District Design Standards

From: Lebanon Heritage Commission

All applications for a Certificate of Approval shall contain a written description of the work or activity for which approval is requested, together with plan and elevation drawings to scale and, where appropriate, photographs which, together, shall be sufficient to reasonably inform the Heritage Commission as to the type or nature of the activity applied for, the location of the activity, and the effect or impact on the exterior of the building(s) involved.

408.9 Removal or Demolition of Buildings.

No **building** shall be demolished or moved off its **lot** within any Historic District until, [following receipt of a Certificate of Approval](#), at least one publication of notice of such demolition or removal has been published by the owner in a newspaper of general circulation in the area in which the **building** and **lot** are located, such notice to be published not less than 30 days prior to the date of such demolition or removal.

The purpose of this provision is to further the purposes of Section 408.2 and to afford a person or organization the opportunity to acquire, or to arrange for the preservation of, such **building**.

Notwithstanding the above, upon application to the City Building Inspector, any **building** substantially damaged as a result of fire or other disaster or constituting a public safety hazard shall be exempt from the provisions of this section.

408.10 Appeal.

Any person aggrieved by a decision of the Heritage Commission shall have the right to appeal said decision to the Zoning Board of Adjustment as provided by RSA 677:17. Such appeals shall be filed with the Zoning Board of Adjustment within 20 days of the filing of the Certificate of Approval or Notice of Disapproval with the Building Inspector.

408.11 Enforcement.

The provisions of this Section 408 shall be enforced as provided by State law and pursuant to Section 903 of this Ordinance.

Amendment 12

Mobile Food

From: Food Truck Task Force and Staff

The purpose of this amendments is to create a new section of the zoning ordinance that lays out the rules and regulations for Mobile Food Service Vending in Lebanon. This proposed amendment is the result of the work from the Lebanon Food Truck Task Force.

Mobile Food Service Vending

DEFINITIONS (APPENDIX A)

MOBILE FOOD SERVICE VENDING – The preparation and/or dispensation of food or beverages by a **mobile food service vendor** from a **mobile food service unit** for immediate service and/or consumption.

MOBILE FOOD SERVICE VENDOR(s) - Any person, including an employee or agent of another, who prepares and/or dispenses food or beverages from a **mobile food service unit** for immediate service and/or consumption.

MOBILE FOOD SERVICE UNIT – Any vehicle that is (a) self-propelled or that can be pulled or pushed down a street or sidewalk and (b) utilized by a **mobile food service vendor** for the purpose of preparing and/or dispensing food or beverages for immediate service and/or consumption.

STAND VENDING – The sale of food, beverages, goods, or merchandise from a **stand**.

STAND - Any newsstand, table, bench, booth, rack, handcart, pushcart, or any other fixture or device which is not required to be licensed and registered by the NH Department of Motor Vehicles, used for the display, storage, or transportation of articles offered for sale by a **stand vendor**.

STAND VENDOR(s) - Any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods, or merchandise from a **stand** with a vendor license issued by the City.

VENDOR(s) - Any person who is a **mobile food service vendor** or **stand vendor**.

PERMITTED ZONING DISTRICTS (Article III)

CB

LD

GC

GC-1

IND-L

MC

MC-2

Amendment 12

Mobile Food

From: Food Truck Task Force and Staff

STANDARDS FOR USE (Article VI)

SECTION 614 MOBILE FOOD SERVICE

- A. The purpose of this section is to provide opportunities for **mobile food service vending** and **stand vending** within certain non-residential areas in the City.
- B. **Mobile food service vending** and **stand vending** shall be a permitted use in the Central Business, Lebanon Downtown, General Commercial, General Commercial-One, Light Industrial, Medical Center and Medical Center - 2 Zoning Districts provided the following standards are met:
- C. Prior to beginning operations, property owner(s) must obtain a Zoning Permit which shall be valid for one (1) year. An application for a Zoning Permit shall include the following:
1. A site drawing of the property identifying existing and proposed conditions.
 2. The location of the **mobile food service vendors** and **stand vendors**, utility connections, and compliance with setback requirements.
 3. The location of any seating, tables garbage receptacles or similar customer amenities.
 4. A safety plan for each **mobile food service vendor** and **stand vendor**. The plan shall include the location of barriers, caution cones, or similar safety items that are to be deployed to ensure that patrons can safely interact with the **mobile food service unit** or **stand vendor**. Safety measures shall be scaled to protect patrons based upon traffic conditions.
 5. A site parking calculation showing the total number of parking spaces on the site, the number and location of parking spaces assigned to each of the **mobile food service vendors** and **stand vendors** upon the lot.
 6. Hours of operation, and days of the week and months of operation. Operation of a **mobile food service vendor** and **stand vendor** is limited to the hours between 7:00 AM and 9:00 PM daily.
 7. The location of **sandwich boards signs** if applicable.
 8. Written permission of the landowner consenting to the proposed operation.
 9. Identify a plan for the disposal of wastewater and garbage.
 10. The landowner may reapply for a Zoning Permit on an annual basis.
- D. **Mobile food service vendors** and **stand vendors** shall not:
1. Be located within 25 feet of a handicap accessible parking space, fire hydrant, fire escape, bus stop, loading zone, driveway entrance or a **residential district**.
 2. Be located in a manner that creates hazardous travel conditions or impedes the operations of police, fire, or emergency services, or the flow of automobile traffic or pedestrian traffic.

Amendment 12

Mobile Food

From: Food Truck Task Force and Staff

3. Block access to or occupy any portion of any handicap accessible parking space or access ramp.
 4. Utilize an open fire without permission of the property owner and a permit from the Lebanon Fire Department.
 5. Shout, make an outcry, blow a horn, ring a bell, or use any other sound device for the purpose of attracting attention to any goods which the **vendor** proposes to sell.
 6. Inappropriately dispose of wastewater and garbage including but not limited to dumping in open stormwater drains.
- E. Utilities for **mobile food service units** and **stands** shall be self-contained and shall not connect to City sewer and water nor dispose of waste in storm sewers. External portable generators or other noise emitting equipment shall not be operated prior to 9:00 AM on weekdays and Saturdays nor prior to 12:00 noon on Sundays and must not operate after 9:00 PM daily.
- F. The maximum number of **mobile food service units** and **stands** allowed on any one **lot** shall be determined by the lot size and the amount of available space on the **lot**.
1. For **lots** that require more than 40 parking spaces per Section 607, **mobile food service unit(s)** and/or **stand(s)** may be located in parking areas. No more than 10 percent (10%) of parking spaces may be utilized to locate **mobile food service units** and **stands**. A minimum of 4 parking spaces and a maximum of 6 parking spaces per vendor shall be provided.
 2. For lots with fewer than 40 parking spaces per Section 607, one **mobile food service unit and / or stand** is permitted. A minimum of 4 parking spaces must be available to accommodate the use.
 3. On lots with fewer than 40 parking spaces, one **mobile food service units and stand** and shall provide a minimum of 2 off street parking spaces for patrons.
- G. Notwithstanding the provisions of Section 608.6 (Temporary Signs), **mobile food service units** and **stands** are limited to the placement of no more than 2 **sandwich board signs** for each **mobile food service unit and stand** when the operation is open. Feather flags, balloons, inflatables, pennants, ribbons, streamers, and spinners or other similar devices which may move or swing as a result of wind pressure are prohibited.
- H. Utilization of a public right of way or public property for operation of a **mobile food service unit** or **stand** is permitted pursuant to *Chapter 179 Vendors* of the City Code. The City of Lebanon Recreation, Arts and Parks Department in conjunction with the City Manager's Office may permit **mobile food service units** and **stands** within the confines of a city park or city recreation facility irrespective of the underlying Zoning District.

Amendment 13

EV Charging

From: Lebanon Energy Advisory Committee (LEAC)

1 These amendments incorporate knowledge gained since the Zoning Ordinance requirements for
2 EV charging at new developments were adopted in 2023. The amendments will significantly
3 reduce costs for developers and lower demand on the electrical grid while expanding residents'
4 access to EV charging.

5 6 **EV Regulations**

7 8 **Draft amendments to Zoning Ordinance (with proposed changes in red)**

9
10 From Zoning Ordinance pages 183-184:

11
12 607.8 Electric Vehicles.

13 A. Purpose. The purpose of this section is to facilitate the transition to electric vehicle use and to
14 expedite the establishment of convenient, cost-effective electric vehicle infrastructure that such
15 a transition necessitates.

16 B. Applicability. EV charging stations are allowed as an accessory use in all zoning districts.
17 When the retail charging of electric vehicles is proposed to be the principal use of a lot, then the
18 proposed EV charging station shall be considered a service station for zoning purposes.

19 C. EV Infrastructure Requirements / Off-Street EV Parking Requirements. EVSE-installed
20 spaces, EVSE-ready spaces, and EVSE-capable spaces shall be provided as follows:

- 21 1. One- and Two-Family Dwellings. All new one- and two-family dwellings shall provide
22 at least one (1) EVSE-Ready Low-power Level 2 charging space per dwelling unit.
- 23 2. All new dwellings with up to three units, including Accessory Dwelling Units (ADUs),
24 shall provide at least one (1) EVSE-Ready Low-power Level 2 charging space per
25 new dwelling unit.
- 26 3. Multi-Family Dwellings (four or more units; adding units to existing multi-family
27 housing triggers the requirements for the new units only). Parking for new multi-
28 family dwellings shall include:
 - 29 a. For each residential unit with parking, at least one EVSE-Ready Low-power
30 Level 2 charging space per unit for 50% of total units with parking.
 - 31 b. EV-Capable Low-power Level 2 spaces for a minimum of the remaining 50%
32 of residential units with parking and 25% of the remaining off-street parking
33 spaces.
- 34 4. Non-Residential Uses. Parking for uses requiring the provision of 10 or more new or
35 additional off-street parking spaces shall include:
 - 36 a. EVSE-Installed Level 2 spaces for a minimum of 2% of new or additional off-
37 street parking spaces, with a minimum of two EVSE-Installed spaces.
 - 38 b. EVSE-Ready or EVSE-Capable Level 2 spaces for a minimum of 20% of new
39 or additional off-street parking spaces.

Amendment 13

EV Charging

From: Lebanon Energy Advisory Committee (LEAC)

c. For parking spaces dedicated for employee use, these requirements may be replaced by a minimum of one EVSE-Ready Low-power Level 2 charging space per employee for at least half of employees in the largest shift who drive to work and who are offered parking.

d. For existing (not “greenfield”) non-residential developments, these requirements for EV charging may be replaced by a contribution to a common fund managed by the City of Lebanon for installing public EV charging stations at a separate site, with the contribution amount to be determined by the City.

5. Where the calculations above result in a fractional parking space, it shall round up to the next whole number.
6. Where the number of EVSE-Installed spaces provided exceeds the minimum required, the excess spaces shall be deducted from the total number of required EVSE-Ready spaces of a similar level (Low-power Level 2, or Level 2).
7. Where the number of EVSE-Ready spaces provided exceeds the minimum required, the excess EVSE-Ready spaces shall be deducted from the total number of required EVSE-Capable spaces of a similar level (Low-power Level 2, or Level 2).
8. Up to five(5) Level 2 EVSE-Installed spaces may be substituted with one (1) Level 3 EV-Installed space (minimum 150 kW).
9. EVSE-Installed spaces, EVSE-Ready spaces, and EVSE-Capable spaces are to be included in the calculation for both the number of minimum required and maximum permitted off-street parking spaces.
 - a. Every two (2) EVSE-Installed spaces provided in addition to the required minimum may be counted as four (4) off-street parking spaces as relates to Section 607.1 (Minimum Off-Street Parking Requirements), for reduction of total required parking not greater than 10 percent of the total amount of parking required.
10. In each instance where EVSE Capable is required, EVSE Ready or EVSE Installed may substitute. In each instance where EVSE Ready is required, EVSE Installed may substitute.

Appendix A – Definitions

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) / EV CHARGING STATION (EVCS): The apparatus installed specifically for the purpose of transferring energy between the site or building wiring and the Electric Vehicle. EVSE does not include any equipment affixed to the electric vehicle.

Amendment 13

EV Charging

From: Lebanon Energy Advisory Committee (LEAC)

ELECTRIC VEHICLE INFRASTRUCTURE: Structures, machinery, and equipment necessary and integral to support an *electric vehicle*, including *EV charging stations* and electrical outlets.

ELECTRIC VEHICLE (EV): An automotive-type vehicle for on-road use primarily powered by an electric motor, including any battery electric vehicle, ~~fuel-cell electric vehicle~~, or plug-in hybrid electric vehicle, that draws current from an onboard battery charged through a building or site electrical service, *EVSE*, or other source of electric current.

EVSE-CAPABLE SPACE: An *off-street parking space* with electrical panel capacity and space for a branch circuit dedicated to the parking space that is not less than ~~20-ampere and 110/120-volt panel capacity for Level 1 charging, or 20-ampere and 208/240-volt for Low-Power Level 2 charging, or 40-ampere and 208/240-volt for Level 2 charging~~, and is equipped with raceways, both underground and surface mounted, to enable the future installation of *EVSE*. For two adjacent EV-capable spaces, a single branch circuit is permitted.

EVSE-READY SPACE: An off-street parking space provided with a full dedicated branch circuit that includes not less than ~~20-ampere and 110/120-volt panel capacity for Level 1 charging, or 20-ampere and 208/240-volt panel capacity for Low-Power Level 2 charging, or 40-ampere and 208/240-volt panel capacity for Level 2 charging plus~~ conduit, wiring, receptacle, and overprotection devices terminating in an outlet ~~or receptacle or junction box~~ that will support an installed EVSE ~~or support attachment of a charge cord for the vehicle~~ and which is located in close proximity to the location of the parking space. For two adjacent EV-Ready spaces, a single branch circuit is permitted. These spaces are “ready to go” ~~as outlets for users who bring their own charging cords or~~ with the addition of an installed EV charging station (*EVCS*).

EVSE-INSTALLED SPACE: An *off-street parking space* with a dedicated branch circuit and *EVSE*. ~~at minimum.~~

LEVEL 1 (which is not mandated but is included here for informational purposes): Charging level for *EVs* that operates on a dedicated 20-amp breaker (same kind used for conventional electrical outlets in most buildings) on a 110- or 120-volt AC circuit while drawing 1.9-3.2 kW to supply approximately 2-5 miles of range gained per hour of charging.

LOW-POWER LEVEL 2: Charging level for *EVs* that operates on a dedicated 20-amp breaker on a 208- or 240-volt AC circuit while drawing 3.3-6.1 kW to supply approximately 15+ miles of range gained per hour of charging.

LEVEL 2: Charging level for *EVs* that operates on a dedicated 40- to 100-amp breaker (same kind used by a clothes dryer or stove) on a 208- or 240-volt AC circuit while drawing 6.2+ kW to supply 19+ miles of range gained per hour of charging.

LEVEL 3: Fast or rapid charging level for *EVs* that operates on a 60-amp or higher breaker on a 480-volt AC electric circuit or higher ~~three-phase~~ circuit with special grounding equipment and mounting on an equipment pad.

Amendment 14

Signs

From: Zoning Staff

1 The purpose of this amendment is to update the sign ordinance to mitigate issues and concerns
2 planning staff has experienced firsthand. The goals are to make this ordinance clearer to
3 understand for the sign permit applicant and easier for planning staff to enforce. One new
4 element to the ordinance is the regulation of window signs. A new sign fee is added to the
5 Zoning Ordinance. City Council will need to add the fee to Chapter 68.

6 7 SECTION 608 SIGNS.

8 608.1 Purpose and Intent.

9
10 The purpose of this Section is to create the legal framework for a comprehensive and
11 balanced system of **signs** in order to:

- 12 • further the goals of the Lebanon Master Plan;
- 13 • preserve the right of free speech and expression;
- 14 • provide easy and pleasant communication between people and their environment;
- 15 • avoid excessive levels of visual clutter or distraction that are potentially harmful to
- 16 property values, business opportunities, and community appearance;
- 17 • assure that public benefits derived from expenditures of public funds for the
- 18 improvement and beautification of streets, and other public structures and spaces,
- 19 are protected by exercising reasonable controls over the character and design of
- 20 **sign** structures;
- 21 • help to allow the free flow of traffic and protect pedestrians, bicyclists, and
- 22 motorists from injury and property damage caused by, or which may be fully or
- 23 partially attributable to cluttered, distracting, or illegible signage; and
- 24 • promote the use of **signs** which are aesthetically pleasing, of appropriate scale,
- 25 and integrated with surrounding **buildings** and landscape, in order to meet the
- 26 community's expressed desire for quality development.

27
28 With these purposes in mind, it is the intent of this Section to authorize the use of **signs**
29 that are:

- 30 • compatible with their surroundings;
- 31 • appropriate to the activity that displays them;
- 32 • expressive of the identity of individual activities and the community as a whole;
- 33 • legible in the circumstances in which they are seen;
- 34 • unlikely to distract drivers to a dangerous degree; and
- 35 • able to preserve the right of free speech and expression.

36 37 608.2 General Provisions.

38
39 A. Signs Prohibited. **Signs** are prohibited in all zoning districts unless the **sign** is:

- 40
41 1. Constructed pursuant to a valid ~~building~~ **Sign Permit** when required under

Amendment 14

Signs

From: Zoning Staff

this Section; and

2. Authorized under this Section or the City of Lebanon Code Ch. 152, Article IV and in compliance with all applicable regulations of this Section.

B. Building Sign Permit Required. A building **Sign** permit from the Planning Department is required prior to the display and erection of any **sign**, except as provided in Section 608.7 ("Signs Allowed Without a Building Sign Permit"). Every building **Sign Permit** application shall include:

1. A photograph of any existing **signs** to be replaced **refaced**, and the **sign area** and dimensions of each **sign** to be replaced **refaced**.
2. A drawing to scale of each proposed **sign**. Each rendering shall identify:
 - a. the total **sign area** in square feet;
 - b. the dimensions of the **sign** in feet and inches;
 - c. the height of the **sign**;
 - d. the proposed location of the **sign** on the **building**, if applicable;
 - e. construction materials; and
 - f. landscaping specifications, if applicable.
3. A scaled plot plan of the **lot** depicting the proposed location of any **freestanding sign** and any associated landscaping.
4. Specifications for the construction or display of the **sign** and for its illumination and mechanical movement, if any.
5. Where **internal illumination** is proposed, documentation necessary to demonstrate compliance with Section 608.4.A.6 ("Illumination").
6. All applicable dimensions, measurements, and sign area calculations required to support the approval of the sign permit requested.

C. Enforcement. Any **sign** displayed or erected which is not authorized by this Section and/or is not in compliance with all applicable regulations set forth herein shall be removed, and shall be subject to all available enforcement options pursuant to NH RSA Chapter 676.

In the course of investigating a brightness of luminance complaint, the Planning and Development Department may request a certification of the brightness of luminance by an independent contractor. If the investigation and certification indicate that the sign exceeds any applicable brightness or luminance levels specified in Section 608, the owner of the sign shall turn off the sign within twenty-four (24) hours of a request to do so by the City, and the sign shall remain off until the brightness or luminance of the sign is brought into compliance.

Amendment 14

Signs

From: Zoning Staff

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- D. Clear Vision & Movement. No **sign** may obstruct visibility or movement of vehicles or pedestrians, or otherwise cause any hazard to any person or property. ~~and a~~ All **signs** are subject to the requirements of Article II, Section 206, "Sight Distance at Street Intersections" **except when the following conditions are met an administrative approval by the Zoning Official may be made:**
1. A freestanding sign or portion thereof to be placed in a commercial or industrial district is not within ten feet of a street, sidewalk, crosswalk, driveway, driveway exit stop line, bus stop, or other similar improvement and
 2. Clear sightlines are demonstrated by a sightline drawing, and
 3. No sign or portion thereof is within the public right of way.
- E. Maintenance. All **signs** shall be maintained in good condition and repair at all times. Such maintenance shall not require a building permit unless the repairs include electrical work.
- F. Sign Setback. The requirements of ARTICLE II, "General Provisions," shall not prohibit the location of a **sign** in a **front, side or rear yard**, nor shall those minimum setbacks apply to **signs**.
- G. No Discrimination Against Non-Commercial Signs or Speech. The owner of any **sign** which is otherwise allowed under this Section and which has obtained a building permit may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of **sign area** permitted on a **lot**.
- H. Outdoor Recreational Facilities. **Outdoor recreational facilities** are exempt from this Section except that:
1. any **sign** erected on the **lot** of an **outdoor recreation facility** shall be subject to the prohibition of **non-static signs** set forth in Section 608.3.D, the requirements of Section 608.2.D ("Clear Vision & Movement"), and the requirements of Section 608.2.E ("Maintenance");
 2. all **signs** shall be principally oriented towards the playing field or seating areas, except that one (1) sign having a **sign area** of no greater than thirty (30) square feet may be permitted without such restriction; and
 3. one (1) **digital sign** is allowed per **outdoor recreation facility** provided that the **digital sign** is principally oriented towards the playfield or seating

Amendment 14

Signs

From: Zoning Staff

area, and provided that a building permit is obtained in accordance with Section 608.2.B ("Building Permit Required"). Such **sign** shall be illuminated only during an activity or event taking place on the field, and shall have no greater than 102 square feet of **sign area** and, if **freestanding**, a height of no greater than twelve (12) feet.

608.3 Prohibited Signs.

The following are prohibited:

- A. **Off-premise signs**, except as may be permitted per Sections 608.6.A.1 and 2. A **sign advertising** an on-site use that has ceased operation or vacated the **lot** shall be considered an **off-premise sign** after a period of 180 consecutive days following the discontinuance of the use and shall be removed as required by Section 608.8.C.3.
- B. **Signs** located within **public streets**, or **rights of way** except as set forth in Section 608.4.A.5.b (projecting signs in the CB and LD Districts) and Section 608.6.A.5 (**sandwich board sign** regulations) and as may otherwise be allowed pursuant to Chapter 152 ("Streets and Sidewalks") of the Code of the City of Lebanon.
- B. **Illumination of signs** except as may be permitted by and in accordance with Section 608.4.A.6 ("Illumination").
- C. **Non-static signs**, except **digital signs** as may be permitted according to Section 608.2.H.3 and Section 608.4.A.7 ("Freestanding Digital Signs").
- D. **Portable signs**, except **temporary signs** as may permitted by Section 608.6 ("Temporary Signs").
- E. Feather flags, balloons, inflatables, pennants, ribbons, streamers, and spinners or other similar devices which may move or swing as a result of wind pressure, whether part of a **sign** or not, except as may be permitted by Section 608.6 ("Temporary Signs").
- F. **Signs** of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street **sign** or signal.
- G. **Roof signs.**
- H. Laser displays.

608.4 Non-Residential Uses.

Amendment 14

Signs

From: Zoning Staff

A. Non-Residential Uses in Commercial and Industrial Districts. Signage for non-residential uses in the **commercial** and **industrial districts** shall be subject to the following requirements:

1. Maximum Permitted Sign Area.

a. Sign Area for a single occupant Principal Building. The maximum **sign area** permitted for a **principal building** is the greater of either:

- i. the product of the following formula: [linear width, or **frontage**, of the **principal facade** in feet] multiplied by 0.8 = [x] square feet; or
- ii. the product of the following formula: [total area of the **principal facade**] multiplied by .05 = [x] square feet.

There is no limit on the number of individual **signs** that may be affixed or attached to a **principal building** provided that the total **sign area** of all such **signs** combined does not exceed the maximum permitted **sign area** determined pursuant to the above formulas.

b. Sign Area for Freestanding Signs. **Sign area** for **freestanding signs** shall be determined pursuant to Section 608.4.A.4 and shall be allowed in addition to the maximum permitted **sign area** for a **principal building** determined pursuant to Section 608.4.A.1.a.

c. Sign Area for Lots Having No Buildings. A **lot** without **buildings** may display up to 15 square feet of **sign area**.

d. Strip Plazas and Multi-Tenant Buildings. For purposes of calculating maximum permitted **sign area per tenant** pursuant to Section 608.4.A.1.a, a **façade** of a **strip plaza** that faces interior to the **lot** may be considered the **principal facade** in place of any other **principal facade**. Each Tenant is allowed to have a maximum amount of signage pursuant to the product of the following formula:

- i. [linear width, or frontage, of the portion of the principal facade occupied by the tenant in feet] multiplied by 0.8 = [x] square feet; or
- ii. [total area of the principal facade occupied by the tenant] multiplied by .05 = [x] square feet.

e. ~~Multi-Tenant Buildings. The maximum **sign area** permitted for a **multi-tenant building** in existence as of January 20, 2021 is the greater of either:~~

Amendment 14

Signs

From: Zoning Staff

i. ~~the total **sign area** allowed pursuant to Section 608.4.A.1.a; or~~

ii. ~~the total **sign area** of all existing legal **signs** on the **building** as of January 20, 2021. For any vacant tenant spaces as of January 20, 2021, the **sign area** utilized by the immediate prior tenant may be included in the calculation of permitted **sign area** under this subsection.~~

f. Multiple Principal Facades. Where a **building** has multiple **principal facades**, the each **facades** or **tenant occupied portion thereof** may be combined for purposes of calculating the maximum permitted shall not exceed the permissible **sign area** per Sections 608.4.A.1.a or 608.4.A.1d.

g. Window Signs: Each business having windows shall not cover more than twenty-five (25) percent of the glass area of each window with signage/advertising and are subject to the following:

- i. Animated illumination or effects, electronic, blinking, flashing, and/or scrolling window signs shall be prohibited.
- ii. Illuminated signs shall conform to the performance requirements of 608.4.A.6 Illumination.
- iii. Window sign square footage does not count to the sign area calculation of a façade or tenant occupied portion thereof per sections 608.4.A.1.a or 608.4.A.1d.
- iv. Window signs do not require a sign permit.

2. Sign Types Permitted. The following **sign** types are permitted in the **commercial** and **industrial districts**:

- a. **wall signs**;
- b. **freestanding signs**;
- c. **projecting signs**; and

d. **Window signs**

3. Wall Signs. **Wall signs** in the **commercial** and **industrial districts** shall be subject to the following regulations:

- a. One or more **wall signs** may be displayed on any wall of any principal **building** on a **lot**, provided that the total **sign area** displayed on any

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Signs

From: Zoning Staff

single **building** wall is limited to the total **sign area** that would be permitted for that wall based on the formula set forth in Section 608.4.A.1.a, whether or not it is a **principal façade**.

b. The **sign area** of a **wall sign** may not exceed 100 square feet.

c. **Wall signs** shall not extend above the highest point of the main roof or **parapet** of the **building** or be affixed to a **parapet** more than four feet above the roof of the **building**.

4. Freestanding Signs. A **lot** in the **commercial** and **industrial districts** may display one **freestanding sign** subject to the following regulations:

a. Sign Area and Height Regulations.

i. **Freestanding signs** must comply with the dimensions set forth in the following table:

	Zoning District						
Maximum	GC & GC-1	CB	LD	IND-L	IND-RA	IND-H	MC 2
height	25 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
sign area	64 sq. ft.	32 sq. ft.	24 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.

ii. Strip Plazas and Multi-Tenant Buildings. A **freestanding sign** for a property improved with a **strip plaza** or **multi-tenant building** may exceed the maximum **sign area** set forth in Section 608.4.A.4.a.i by up to 50 percent, except in the CB and LD Districts.

iii. Height. For purposes of measuring the height of a **freestanding sign**, height shall mean the vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the **sign** structure.

iv. The size of a **freestanding sign** may exceed the maximum **sign area** set forth in Section 608.4.A.4.a.i by up to 15 percent in order to accommodate numerals identifying the property address or building address, or for a **freestanding sign** on a property improved with a **strip plaza** or **multi-tenant building**, by up to 15 percent in addition to the increase in **sign area** allowed per Section 608.4.A.a.ii.

b. Design Standards.

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From: Zoning Staff

i. Landscaping. A landscaped area located around the base of a **freestanding sign** equal to two and one-half square feet for each square foot of **sign area**, is required for all **freestanding signs**. The landscaped area shall contain living landscape material consisting of native shrubs and/or annual or native perennial **ground cover** plants placed throughout the required landscape area and having a spacing of not greater than three (3) feet on center. Where appropriate, the planting of required deciduous or evergreen **trees** installed in a manner which frames or accents the **freestanding signs** structure is encouraged.

ii. Spacing. **Freestanding signs** must be spaced at least 150 feet apart on **public streets** with posted travel speeds under 40 miles per hour, and at least 300 feet apart on **public streets** with posted travel speeds of 40 miles per hour and over.

c. A PUD or **planned business park** may have a **freestanding sign**, which **sign** shall have a maximum size and height as set forth above and shall be subject to all other applicable regulations herein.

d. A lot within 100 feet of the Interstate 89 right-of-way with an existing **freestanding sign** that is legal non-conforming due to its height and which has a minimum height of 50 ft. may have one additional freestanding sign which shall have a maximum size and height as set forth above and shall be subject to all other applicable regulations.

e. Freestanding Digital Signs. **Freestanding Signs** may incorporate a **digital sign** subject to the following:

i. **Freestanding digital signs** are only allowed in the General Commercial (GC) district on properties with frontage on the following streets:

- Mechanic Street
- Miracle Mile
- Plainfield Road
- South Main Street

ii. No more than one (1) display per hour shall be allowed

iii. Displays shall contain static messages only

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Signs

From: Zoning Staff

- iv. ***Freestanding Digital Signs*** shall be programed to automatically freeze in a single display in the event of a malfunction or computer/system error.
- v. The Planning and Development Department shall be provided with an on-call contact person and phone number for each ***freestanding digital sign***. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise.
- vi. The ***digital sign*** and ***freestanding digital sign*** may be no larger than 50% of the ***sign area*** of the ***freestanding digital sign***
- vii. No ***freestanding digital sign*** may be located within one hundred (100) feet of a residential dwelling
- viii. ***Freestanding digital signs*** shall operate with no more than 0.3 footcandles at the property line
- ix. If a ***freestanding digital sign*** is located in the line of sight of a residential dwelling, such sign shall not operate at brightness levels of more than one-tenth (0.1) foot candles above ambient light levels (at measurement conditions) as measured to the nearest property line of the residential dwelling from the electronic sign.

5. Projecting Signs.

- a. GC District, GC-1 District, and Industrial Districts. Projecting signs in the GC District and the ***industrial districts*** shall be subject to the following regulations:
 - i. One or more ***projecting signs*** may be displayed on any wall of any ***principal building*** on a ***lot*** provided that the total ***sign area*** displayed on any single ***building*** wall is limited to the total ***sign area*** that would be permitted for that wall based on the formula set forth in Section 608.4.A.1.a, whether or not it is a ***principal façade***.
 - ii. The ***sign area*** of a ***projecting sign*** shall not exceed sixteen (16) square feet.

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Signs

From: Zoning Staff

-
- iii. **Projecting signs** shall project from the wall at an angle of ninety (90) degrees.
- iv. **Projecting signs** shall not extend above the highest point of the main roof or **parapet** of the **building** nor be affixed to a **parapet** more than four (4) feet above the roof of the **building**.
- b. CB and LD Districts. Because of **building coverage** and development density in the CB and LD Districts, businesses located therein may not be able to erect **freestanding signs** or **projecting signs** which do not hang over a public sidewalk. Thus, within the CB and LD Districts **projecting signs** may hang over a public sidewalk, subject to the following limitations:
- v. A **building** may have no more than one such **projecting sign** for each **building** entrance which accesses a business located at sidewalk level.
- vi. No such **projecting sign** shall be larger in size than twelve (12) square feet if used to advertise only one business or sixteen (16) square feet if used to advertise more than one business.
- vii. No part of any such **projecting sign** or the fixture to which it is attached shall be lower in height than eight feet six inches (8 feet 6 inches) above the sidewalk nor higher than fifteen (15) feet from the sidewalk. However, in no case shall any part of such a **sign** or fixture be located above the bottom of the second floor window sill.
- viii. No part of any such **projecting sign** or fixture to which it is attached shall project over a public sidewalk more than the greater of three (3) feet or fifty percent (50%) of the width of the public sidewalk, but in no case shall it extend more than six (6) feet over the sidewalk.
- ix. Such **projecting signs** shall not have **internal illumination**.
6. Illumination. **Signs** may have either **external illumination** or **internal illumination**, subject to the following:
- a. Lighting Plan. An applicant for a permit to illuminate a **sign** must submit a plan to the Planning Department showing the illumination plan including the effect of the illumination on any other property that might be affected by the light.

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Signs

From: Zoning Staff

-
- b. External Illumination. The use of floodlights or spotlights used for the **external illumination** of **signs** shall be mounted above the **sign** targeted for lighting, and illumination shall be properly focused upon and confined to the area of the **sign**.
- c. Internal Illumination. **Internal illumination** of **signs** shall be designed with an opaque background so that only the lettering, symbols (i.e. logos), or design shall appear to be lighted.
- d. Maximum Luminance. An illuminated sign shall operate with no more than 0.3 fc at the property line.
- e. Glare. Fixtures used to illuminate **signs** shall be located, aimed, and shielded so as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Glare shall not be perceptible to drivers, pedestrians, bicyclists, and other passers-by within adjacent streets or rights-of-way.
- f. Shielding. Any lighting fixture on a **sign** that is located within ten (10) feet of a **residential district**, or an existing residential use shall be (i) aimed away from the **residential district** or existing residential use; and (ii) shielded on the side closest to the **residential district** or existing residential use.
- g. Hours of illumination. **Signs** may be illuminated any time between 6:00 a.m. and 9:00 p.m. Between 9:00 p.m. and 6:00 a.m. a sign may only be illuminated if and when the business is open to the public.

608.7 Signs Allowed Without a Building Sign Permit.

The following signs (1) are allowed in addition to any other sign permitted by this Section, (2) do not require a building Sign Permit, and (3) are exempt from the requirements of this Section except for the prohibition of non-static signs set forth in Section 608.3.C, the requirements of Section 608.2.D ("Clear Vision & Movement"), and the requirements of Section 608.2.E ("Maintenance"):

A. Temporary signs allowed pursuant to Section 608.6.

B. Any sign erected and maintained by the federal government, the State of New Hampshire, the Lebanon School District or the City of Lebanon in order to effectuate a substantial government interest.

C. Signs that are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic and pedestrian safety, complying with legal requirements, serving the requirements of emergency response, and protecting property rights or the rights of persons on property; specifically, the following:

Amendment 14

Signs

From: Zoning Staff

482 1. Traffic control devices and pavement markings installed and maintained to
483 comply with the Manual on Uniform Traffic Control Devices or other transportation
484 management guidelines adopted by the New Hampshire Department of
485 Transportation.

486 2. A lot with multiple driveways may display one directional sign at each entrance
487 or exit in order to ensure safe and efficient vehicular movement. Such signs may
488 not be more than two (2) square feet on two-lane streets or rights-of-way and on
489 any street with a posted travel speed under 35 miles per hour, and not more than
490 four (4) square feet on multi-lane streets or on any street with a posted travel speed
491 over 35 miles per hour.

492 D. Window signs pursuant to section 608.4.A.1.g
493

494 608.8 Fees

495 A. The City Council shall establish a per square foot sign permit fee in § 68-15.A
496 Enumeration of fees Zoning.
497

498 Add to Definitions:

499 **Window sign:** Any sign that is affixed to the interior or exterior of the window or
500 windowpanes or within five (5) feet of the interior of the window or windowpanes and is
501 visible from the exterior of the structure.

Amendment 15

Pattern Zones Overlay District

From: Zoning Staff

The purpose of the proposed changes to the Pattern Zones Overlay District is to give the residents who want to participate in the program more choice. The approved ordinance required residents to use the Plan Book, but several issues come up with in the first few months of approval that made staff realize there needed to be more options to allow the participants to build what that want. The proposed amendment will still offer a Plan Book but gives a second option for those wishing to use their own designs. The second option allows participants to get their own plans approved through the Heritage Commission by following design guidelines. Also, the draft Plan Book from the consulting firm does not incorporate any 3 or 4 family structures, which we allow in the Pattern Zones Overlay district with a Special Exception.

Section: 411 Pattern Zones Overlay District

Section 411.1 Purpose

The purpose of the Pattern Zone overlay district is to create additional housing that fits the character of the existing neighborhood in Downtown Lebanon and Downtown West Lebanon, to establish and preserve the characteristics of the historical downtown areas of Lebanon and West Lebanon, and to increase density and housing choices in the district.

Section 411.2 Description of Pattern Zones Overlay District

The areas and boundaries of the Pattern Zone Overlay District are shown on the Pattern Zone Overlay District Map of the City of Lebanon and made a part of this Ordinance and the Official Zoning Map of the City of Lebanon. The Pattern Zone Overlay District Map is attached hereto as Appendix D.

Section 411.3 Permitted Uses

The Overlay District regulations are intended to only be used for uses allowed within the Pattern Zone Overlay District Table of Uses Table of Uses. Any nonresidential uses shall adhere to regulations set forth in Article III based on the underlying zoning district.

Pattern Zone Overlay District Table of Uses

Amendment 15

Pattern Zones Overlay District

From: Zoning Staff

Permitted Uses	Special Exception
Residential: 1. Up to 2 One-Family Detached Dwellings 2. Two-Family Dwelling 3. Accessory Dwelling Unit per Section 610 Commercial/Non-Residential 1. Any listed in the Base Zoning District pursuant to Article III.	Residential: 1. Tri-Plex (3 units) 2. Quad-plex (4 units) 3. Townhouses / Rowhomes up to 4 units Commercial/Non-Residential: 1. Any listed in the Base Zoning District pursuant to Article III.
	Conditional Use Permit
	Residential: 1. Cottage Development per Section 509 with a minimum 20,000 sq ft lot

Section 411.4 Table of Areas, Dimensions, and Coverage

Minimum Lot Requirements					Maximum Limitations	
Area	Frontage	Front Yard	Side Yard	Rear Yard	Lot Coverage % of impervious surface	Height
4,000 sq ft	40' on lot that abuts a street; 15' on a flag shaped lot* and; 0' if on rear split lot *Pursuant to 411.6	10' OR pursuant to 411.11 Front Yard	5' / 7.5' (side of structure on a street frontage)	10'	60% 80% with special exception pursuant to 411.8	45'

Section 411.5 Parking

A minimum of one on-site parking space per dwelling unit is required.

Amendment 15
Pattern Zones Overlay District
From: Zoning Staff

Section 411.6 Creating New Lots in the Overlay District

- A. Notwithstanding underlying zoning districts, new lots within the overlay may be created utilizing the overlay lot dimensional requirements.
- B. Creating a flag lot split shall provide 15' of frontage and meet the minimum lot area requirements.
 - 1. Front yard setback requirements shall begin at the point where the lot widens.
- C. The creation of a rear lot without the street frontage required by RSA 674:41 may only be approved if all of the following conditions are met:
 - 1. A perpetual deeded easement in favor of the rear lot to use a driveway across a lot which does have legally-sufficient frontage and identifying maintenance responsibilities shall be submitted with the application for approval by the Planning Board. If the subdivision is approved, the execution and recording of the easement in the registry of deeds shall be a condition of approval.
 - 2. The driveway shall be shown on the subdivision plan.
 - 3. The Planning Board shall determine that the driveway is sufficient for access to the rear lot.

Section 411.7 Shading and Buffers

- A. Preservation of a property's existing trees is encouraged to maintain a natural shade canopy upon the property.
- B. Properties shall be landscaped to achieve a minimum of 30% **shade coverage**.
- C. New houses located with the minimum 5' side yard setback from a property line must have a vegetative buffer.

Section 411.8 Impervious Cover

- A. Within the overlay district, impervious cover shall be limited as follows:
 - 1. The maximum impervious cover shall be up to 60% by right.
 - 2. Maximum impervious cover up to 80% may be permitted by Special Exception pursuant to Section 801.3.
 - 3. For purposes of this overlay district impervious cover shall be defined as: A structure or land surface with a low capacity for infiltration, including but not limited to pavement, roofs, roadways, and compacted soils, that has a Curve Number of 98 or greater.

Amendment 15

Pattern Zones Overlay District

From: Zoning Staff

64 4. Impervious cover determinations when in question shall be made by the City Engineer.

65 B. An applicant for a Special Exception to allow impervious cover up to 80% shall meet the criteria
66 of Section 801.3 in addition to the following:

67 1. A stormwater management plan shall be provided to the Board. The plan must
68 demonstrate that all stormwater is managed and treated onsite with a preference for low
69 impact development stormwater management methods. Applicants may tie into the City's
70 stormwater drain system as may be permitted by the City Code.

71

72 Section 411.9 Snow, Garbage, Fuel Tanks

73 A. A snow storage plan shall be submitted with the application and, if approved, shall be a
74 condition of the approval.

75 B. Garbage/recycling receptacle storage plan shall be submitted with the application and, if
76 approved, shall be a condition of approval.

77 1. Garbage/recycling shall not be stored in the front yard of the property.

78 2. Applicable screening shall be provided.

79 3. If a dumpster is used then it shall be enclosed, stored on a hard surface and meet
80 screening requirements. A dumpster shall meet setback requirements, not interfere with
81 parking, be located in the rear or side yard and beyond the front line of the structure and
82 meet the setback requirements.

83 C. Exterior fuel storage within the overlay shall:

84 1. Meet all zoning setback requirements.

85 2. Fuel storage tanks shall be located within the side or rear yard.

86 3. Underground fuel storage may be located in the front, side or rear yard provided they
87 meet the required yard setbacks.

88 4. Above ground fuel tanks may not be located in the front yard

89

90 Section 411.10 ~~Pattern Book Requirements~~ Design Requirements

91 ~~The architectural plan for a building within the overlay pursuant to these requirements shall be~~
92 ~~selected from the Pattern Zones Book (a catalog of preapproved house plans available through the~~
93 ~~Lebanon Planning and Development Department from 2025-2028).~~

Amendment 15
Pattern Zones Overlay District
From: Zoning Staff

- 94 A. Design Characteristics make sure any new development matches the existing
95 neighborhood. The following requirements should be followed:
96 1. Site changes, such as buildings, driveways, and other new features must not alter the
97 historic character of a neighborhood.
98 2. The location of new construction must be considered carefully in order to follow height
99 and setbacks of existing buildings in the neighborhood.
100 3. New Construction must not destroy character-defining attributes or features of the
101 neighborhood.
102 4. New Construction must match the scale, size, massing, and architectural features of
103 existing buildings in the neighborhood.
104 5. The Relationship between the new construction and existing structures must be
105 protected. Existing buildings must not be isolated from one another by new
106 construction.
107 6. Garages must be located at least 5' behind the front line of the residential structure.
108 7. The applicant must provide evidence that their design matches the character of other
109 residential structures on the street.
110 8. Common Characteristics found in the Overlay District:

- 111 a. Pitched Roof
112 b. Street-facing primary entrance.
113 c. Front porch or stoop
114 d. Non-split-level designs
115 e. Clapboard, woodlap, vinyl, and/or shingle sidings, stone, and/or brick exteriors in
116 material and/or in appearance

117 B. Review of Projects

- 118 1. Using Pre-Approved Plan Sets
119 a. an applicant may use architectural plans in the "Plan Book" free of charge but is
120 required to apply for building permits, submit a site plan, and other materials as
121 required by the Zoning Official and the Building Official.
122 2. Projects Requiring a Special Exception or CUP.
123 a. Those residential projects requiring a Special Exception or CUP (Section 411.3) will
124 have to submit architectural drawings [designed by and stamped by a licensed New](#)
125 [Hampshire design professional](#) to be reviewed by the Heritage Commission
126 pursuant to Section 408.7. The Heritage Commission will use the criteria listed in
127 [Section 411.10.A to determine the appropriateness of the design and issue a](#)
128 [written recommendation to the Zoning Board or Planning Board for their](#)
129 [consideration of the Special Exception or Conditional Use Permit.](#)
130 3. If a property owner wishes to use an architecturally designed and stamped plan set
131 not listed in the plan book for a Permitted Use then Heritage Commission approval and a
132 Special Exception from the Zoning Board of Appeals is required. The architecturally

Amendment 15

Pattern Zones Overlay District

From: Zoning Staff

designed and stamped plan set and site plan shall be reviewed and deemed in compliance with Section 411.10 Design Requirements by the Heritage Commission. The Heritage Commission shall issue a written recommendation to the Zoning Board who shall consider the plan set and site plan for a Special Exception.

Section 411.11 Front Yard

- A. The required front yard may be reduced to the average front yard of the existing buildings on the same side of the street in the same block and located within 300 feet of the subject lot, provided that there are at least 2 such buildings. This reduction shall not be allowed for lots fronting on a state highway.
- B. On lots with more than one frontage on an indeterminate lot, the front yard will be determined by the Zoning Administrator based on the orientation of the principal structure on the lot. The corner side with frontage will be considered a side yard and have a setback that is the average of the established front and side setbacks).
- C. On lots with no frontage, the front yard is determined by the Building Official or Zoning Administrator based on the orientation of the principal structure on the lot and the access easement location.

Section 411.12 Approved Designs

- A. The Heritage Commission shall maintain a book of architecturally designed pre-approved plans available for use by the people of Lebanon. Use of a pre-approved plan set shall qualify for the enhanced zoning considerations under the pattern zones overlay district.
- B. Prerequisite to being listed as a preapproved plan a plan shall be:
 - a. Approved by the Heritage Commission.
 - b. Reviewed by and deemed compliant with New Hampshire State Building Code requirements by the Chief Building Official.
 - ~~a-c.~~ Designed by and stamped by a New Hampshire licensed design professional.

C. Submittal of Design for the Plan Book

- a. A design professional wishing to nominate a design for the plan book:
 - 1. Prior to submission to the Heritage commission, submit a complete stamped plan set for administrative review with Planning Department Staff and the Chief Building Official and schedule a meeting to review the plans and discuss it compliance with the design criteria and the building code.

Amendment 15
Pattern Zones Overlay District
From: Zoning Staff

2. Following administrative review, submit a complete stamped plan set, with amendments as required by the administrative review, to the Heritage Commission for the Commissions consideration.

b. The Heritage Commission will use criteria listed in Section 411.10.A. to make a determination if the plan should be included in the Plan Book.

c. The Chief Building Official shall review the Heritage Commission approved plans for Building Code compliance and attach notes to the plans as needed to deem it approved.

SHADE COVERAGE: The percentage of land area covered by leaves, branches, and stems of canopy/shade trees when viewed from above during the summer. New plantings should be measured based on their size at maturity.

Amendment 16

Cottage Developments

From: Barrows Street Development Team and Staff

The purpose of this amendment is to allow greater flexibility for those wishing to build a Cottage Development.

SECTION 509 COTTAGE DEVELOPMENTS.

509.1 Purpose. The purpose of this section is to provide opportunities for single family housing that is small, energy-efficient, and affordable; to allow flexibility in site and design standards while promoting projects that ensure compatibility with surrounding land uses and existing neighborhoods; and to promote sustainability and neighborhood interaction through integrated design.

Cottage developments are intended to serve as part of the City's overall housing strategy to encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with existing neighborhoods, and to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs.

509.2 Applicable Use Districts. **Cottage developments** are allowed by **conditional use** on Class 1 lots in the Pattern Zones Overlay District, R-1, R-2, R-3, R-O, ~~and R-O-1, GC-1~~ Districts, in accordance with Section 302.4.D and the requirements of this section.

509.3 Number and Arrangement of Units. ~~Cottage developments shall contain a minimum of three (3) and a maximum of sixteen (16) Cottages shall be~~, located in one or more clusters to maximize efficiency of land use and to encourage a sense of community among the residents. Each cluster shall include a minimum of three (3) units and a maximum of sixteen (16) units.

509.4 Lot Size. All **cottage developments** shall have a minimum lot area ~~of 20,000 sq. ft., except in the R-2 and R-3 District, where a minimum lot area of 40,000 sq. ft. shall be required—~~ specified in the underlying zoning district.

509.5 Density and Building Lot Coverage. ~~Permitted density shall be based on 2,500 sq. ft. of lot area per each cottage. The maximum permitted building coverage shall be 35%. The maximum lot coverage shall be 60%. A lot coverage of 60%-80% may be allowed by~~ special exception pursuant to Section 801.3.

509.6 Design Standards. The following design standards are intended to define design parameters to create a small community of cottages oriented around open space and to achieve compatibility with adjacent uses.

A. **Individual Cottage Spaces.** For each detached **cottage**, the site plan approved by the Planning Board shall delineate a building site for each detached **cottage** of no less than 1,500 sq. ft.

Amendment 16

Cottage Developments

From: Barrows Street Development Team and Staff

- 45
- 46 B. Detached Cottages. At least 50% of the **cottages** in the development shall be
- 47 detached units. The remainder shall be duplexes or rowhomes.
- 48
- 49 C. Interior Setbacks. The minimum setback between units within a **cottage**
- 50 **development** shall be 10 feet, measured from the nearest point of the exterior
- 51 walls.
- 52
- 53 D. Common Open Space. A minimum of 400 square feet of common open space shall
- 54 be provided per **cottage** and per cluster. The common open space area for each
- 55 cluster shall be contiguous and shall abut all of the **cottages** in the cluster.
- 56 **Cottages** shall be oriented around and have their main entry from the common
- 57 open space.
- 58
- 59 E. Roofs and Porches.
- 60
- 61 1. The highest point of the roof of the **cottage** shall not exceed 3024 feet.
- 62
- 63 2. **Cottages** shall have an unenclosed, covered front primary entry and porch
- 64 of at least 60 square feet in size. The front porch shall be oriented toward
- 65 a common open space. The intent of this porch requirement is to create
- 66 outdoor space in each **cottage** that is visually and physically connected to
- 67 the common open space and to other **cottages**.
- 68
- 69 ~~F. Parking Location and Screening Requirements.~~
- 70
- 71 ~~1. Parking areas and driveways shall comply with applicable minimum yard~~
- 72 ~~requirements for the underlying zone.~~
- 73
- 74 ~~2. Parking areas shall be screened from public streets and adjacent~~
- 75 ~~residential uses by landscaping or architectural screening.~~
- 76
- 77 ~~3. Parking areas shall be prohibited in the minimum required front yard.~~
- 78
- 79 ~~4. Parking areas shall be separated from the common open space by~~
- 80 ~~landscaping or an architectural screen.~~
- 81
- 82 G. Existing Dwellings. An existing detached or attached one-family dwelling that is
- 83 incorporated into a cottage development and is nonconforming with respect to the
- 84 standards of this section shall be permitted to remain on a site used for a cottage
- 85 development and shall be considered a **cottage** for purposes of this section.
- 86 However, the extent of the noncompliance may not be increased except unless the
- 87 proposed change is determined by the Planning Board to be consistent in
- 88 character, scale, and design with the cottage housing development.
- 89

Amendment 16

Cottage Developments

From: Barrows Street Development Team and Staff

H. ~~Street Facing Facades. All cottages within 50 feet of a public street shall have street facing facades that avoid blank walls in order to avoid the appearance of “turning their backs” to the street. For all such cottages, a minimum of 25 percent of the street facing façade shall be comprised of windows and/or glass doors.~~

Amendment 17

Care and Treatment of Animals

From: City Council and Staff

1 The purpose of this amendment is to give clarification on the different types of uses that were
2 included in the **Care and Treatment of Animals** definition. The proposed changes to the use
3 tables show where the different uses may be more appropriate than others.

4
5 ~~**CARE AND TREATMENT OF ANIMALS:** A veterinary establishment, riding school or kennels.~~
6

7 ~~**ANIMAL CLINIC, ANIMAL HOSPITAL OR VETERINARY OFFICE:** Any structure, or portion thereof,~~
8 ~~that is designed or used for the medical or surgical treatment of animals in which veterinary~~
9 ~~services, including Boarding incidental to treatment, are limited to short term care. Grooming~~
10 ~~maybe provided.~~

11 ~~**Animals Boarding Facility:** a facility where domesticated pets are cared for daily or overnight on a~~
12 ~~temporary bases at the request of the owner.~~

13 ~~**Kennels:** any establishment wherein or whereupon the business of boarding or selling dogs or~~
14 ~~breeding dogs for sale is carried on, except for a pet shop~~

15 ~~**Horse Stable:** Facility that includes large animal enclosures, barns, riding arenas, corrals,~~
16 ~~paddocks, and pens used for the raising, training, rehabilitation, and riding of horses for~~
17 ~~commercial purposes.~~

18 ~~**Riding Facility:** an establishment where horsemanship and riding is taught.~~
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Amendment 17

Care and Treatment of Animals

From: City Council and Staff

SECTION 303 LIGHT INDUSTRIAL DISTRICT (IND-L).
303.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Commercial/Non-Residential</u> - Airport Bus terminal Essential service Equipment and machinery sales, rental and service Group day care facility per Section 604 Health club Light industry Local government use Outdoor storage per Section 303.4 (less than 20%) - Plumbing, electrical or carpentry shop - Publishing/printing - Research laboratory Renewable energy system per Section 612 Retail product pickup - Retail showroom per Section 303.5 (less than 10%) - Trucking terminal Warehouse <u>Animal Clinic, Hospital, or Veterinary Office</u> <u>Planned Developments</u> - Industrial PUD per Section 501 Planned business park per Section 508	<u>Commercial/Non-Residential</u> Care and treatment of animals <u>2.1.</u> Contractor's yard <u>3.2.</u> Educational facility, college/university <u>4.3.</u> Educational facility, vocational school <u>5.4.</u> Recovery Houses <u>Uses by Conditional Use Permit</u> (see Section 302.4) <u>Commercial/Non-Residential</u> - Car wash Inpatient rehabilitation facility Office Outdoor storage per Section 303.4 (more than 20%) - Retail showroom per Section 303.5 (between 10-20%) Vehicular sales <u>Animals Boarding Facility</u>

Amendment 17

Care and Treatment of Animals

From: City Council and Staff

SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).

305.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> Dwelling unit(s) above first floor Multi-family dwelling (see Section 305.5)	<u>Commercial/Non-Residential</u> Alternative treatment center per Section 613 Bus terminal Educational facility, college/university Essential service Truck terminal Recovery Houses
<u>Commercial/Non-Residential</u> Amusements (indoor) - Car wash Community center Drive-in restaurant, refreshment stand Drive-through facility - Drycleaning pick-up station Financial institution - Funeral home Group day care facility per Section 604 Health club Hotel - House of worship - Laundromat Local government use Membership club Motel - Movie theater Office Personal service - Publishing/printing - Radio or TV studio Recreational facility, indoor	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
	<u>Commercial/Non-Residential</u> 1. Care and treatment of animals 1. <u>Contractor's yard</u> 2. <u>Craftsman's shop</u> 3. <u>Plumbing, electrical or carpentry shop</u> 4. <u>Produce stand</u> 5. <u>Recreational facility, outdoor</u> 6. <u>Warehouse</u> 7. <u>Wholesale sales</u> <u>Research Laboratory</u> <u>Animal Clinic, Hospital, Veterinary Office</u> 9. <u>Animal Boarding Facility</u> <u>Planned Developments</u>

Amendment 17
Care and Treatment of Animals
From: City Council and Staff

25. Renewable energy system per Section 612	40.11. Commercial PUD per Section 501
26. Restaurant , sandwich shop	
27. Retail product pickup	
28. Retail store	
29. Service station	
30. Vehicular repair	
31. Vehicular sales	

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Amendment 17

Care and Treatment of Animals

From: City Council and Staff

SECTION 306 CENTRAL BUSINESS DISTRICT (CB).

306.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> Dwelling unit(s) above first floor Multi-family dwelling (see Section 306.5) Senior housing complex	<u>Commercial/Non-Residential</u> Craftsman's shop Drive-through facility Educational facility, college/university Recovery Houses
<u>Commercial/Non-Residential</u> Amusements (indoor) Community center - Drycleaning pick-up station Financial institution Group day care facility per Section 604 - Funeral home Health club Hotel - House of worship - Laundromat - Library Local government use Membership club Motel - Museum Office Personal service <u>Animal Clinic, Hospital, Veterinary Office</u>	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
	<u>Commercial/Non-Residential</u> Essential service - Other uses per Section 306.4 Parking facility - Publishing/printing Recreational facility, indoor Recreational facility, outdoor <u>Animal Boarding Facility</u> <u>Planned Developments</u> - Commercial PUD per Section 501

Amendment 17
Care and Treatment of Animals
From: City Council and Staff

SECTION 305A GENERAL COMMERCIAL ONE DISTRICT (GC-1).
305A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Residential</u> 1. Multi-family dwelling (see Section 305A.4) <u>Commercial/Non-Residential</u> 2. Dwelling unit(s) above first floor 3. Essential service 4. Financial institution 5. Group day care facility per Section 604 6. Office 7. Personal service 8. Renewable energy system per Section 612 <u>9. Animal Clinic, Hospital, or Veterinary Office</u>	<u>Commercial/Non-Residential</u> 1. Alternative treatment center per Section 613 2. Drycleaning pick-up station 3. Educational facility, college/university 4. Inpatient rehabilitation facility 5. Light industry 6. Research laboratory 7. Restaurant , sandwich shop 8. Retail store <u>9. Research Laboratory</u> <u>9-10. Animals Boarding Facility</u> <u>Planned Developments</u> <u>10-11. Commercial PUD</u> per Section 501 <u>11-12. Manufactured Housing PURD</u> per Section 504

Amendment 17

Care and Treatment of Animals

From: City Council and Staff

SECTION 311A RESIDENTIAL-OFFICE-ONE DISTRICT (R-O-1).
 311A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 22. One-family dwelling 23. Two-family dwelling 24. Multi-family dwelling (4 dwelling units or less) per Section 601 25. Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> 26. Construction of new office building (3,000 sq. ft. or less) per Section 601 27. Conversion of a dwelling to office use per Section 601 28. Financial institution 29. Group day care facility per Section 604 30. Home business per Section 600 31. House of worship 32. Personal service 33. Renewable energy system per Section 612 34. <u>Animal Clinic, Hospital, Veterinary Office</u> <u>Planned Developments</u> 35. PURD per Section 501	<u>Residential</u> 5. Multi-family dwelling (5 dwelling units or more) per Section 601 6. Senior housing complex <u>Commercial/Non-Residential</u> 7. Construction of new office building (3,001 sq. ft. – 6,000 sq. ft.) per Section 601 8. Educational facility, college/university 9. Educational facility, primary/secondary 10. Essential service 11. Funeral home 12. Group residence 13. Health club 14. Hospice 15. Lodging house 16. Public safety facility 17. Recreational facility, indoor 18. Recreational facility, outdoor 19. Tourist home (or bed and breakfast facility)

Amendment 17
Care and Treatment of Animals
From: City Council and Staff

	<u>Uses by Conditional Use Permit</u> <u>(see Section 302.4)</u>
	<u>Residential</u> 1. Cottage development per Section 509 2. <u>Animals Boarding Facility</u>

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Amendment 17

Care and Treatment of Animals

From: City Council and Staff

SECTION 312 RURAL LANDS ONE DISTRICT (RL-1).
312.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> One-family dwelling Accessory dwelling unit (ADU) per Section 610	<u>Commercial/Non-Residential</u> Care and treatment of animals 1. Cemetery 2. Essential service 3. Group day care facility per Section 604 4. Home-based contractor's yard per Section 600A 5. Radio or TV tower or other communication equipment 6. Recreational camping park per Section 505 7. Recreational facility, indoor 8. Recreational facility, outdoor 9. Animal Clinic, Hospital, or Veterinar Office 10. Animal Boarding Facility 11. Kennels 12. Horse Stable 13. Riding Facility
<u>Commercial/Non-Residential</u> Agriculture Home business per Section 600 - House of worship - Public education facility Public recreation facility Renewable energy system per Section 612	
<u>Planned Developments</u> Manufactured housing park per Section 503 Manufactured housing PURD per Section 504 - PRec per Section 501 - PURD per Section 501	

Amendment 17

Care and Treatment of Animals

From: City Council and Staff

SECTION 313 RURAL LANDS TWO DISTRICT (RL-2).
313.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> One-family dwelling Accessory dwelling unit (ADU) per Section 610	<u>Commercial/Non-Residential</u> Care and treatment of animals 1. Cemetery 2. Essential service 3. Group day care facility per Section 604 4. Home-based contractor's yard per Section 600A 5. Produce stand 6. Radio or TV tower or other communication equipment 7. Recreational camping park per Section 505 8. Recreational facility, indoor 9. Recreational facility, outdoor 10. Excavation of natural earth materials per Section 606 11. Animal Clinic, Hospital, or Veterinary Office 12. Animals Board Facility 13. Kennels 14. Horse Stables 15. Riding Facility
<u>Commercial/Non-Residential</u> Agriculture Home business per Section 600 - House of worship Public recreation facility Renewable energy system per Section 612	
<u>Planned Developments</u> Manufactured housing park per Section 503 Manufactured housing PURD per Section 504 - PRec per Section 501 - PURD per Section 501	

Amendment 17

Care and Treatment of Animals

From: City Council and Staff

Section 314 Rural Lands Three District (RL-3)
314.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> Accessory use to any one-family dwelling <u>Commercial/Non-Residential</u> Agriculture Home business per Section 600 Public recreation facility Renewable energy system per Section 612 <u>Planned Developments</u> - PRec per Section 501 - PURD per Section 501	<u>Residential</u> One-family dwelling Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> - Cemetery Essential service Home-based contractor's yard per Section 600A - Radio or TV tower or other communication equipment - Recreational camping park per Section 505 Recreational facility, indoor Recreational facility, outdoor <u>Riding Facility</u> <u>Horse Stable</u> <u>Kennels</u>

Amendment 18

Zoning Amendment Application and Notice Fees

From: Zoning Staff

1 The purpose of this amendment is to place the burden of petitioned amendments on to
2 the petitioner and allow the City to recoup fees associated with petitioned amendments.

3 4 1000.2 Source of Proposed Amendments.

5
6 Amendments may be proposed as follows:

- 7
8 A. From the City Council at any time.
- 9
10 B. From the City Council upon request by any Board or City official when the Council
11 decides that it is appropriate to go forward with such amendment.
- 12
13 C. By petition of any number of voters, provided however, that unless the petition is
14 submitted utilizing the "Citizens Binding Initiative" procedure contained in Section
15 419:23a of the Lebanon City Charter, it will be within the sole discretion of the City
16 Council as to whether or not to proceed in any way with the requested amendment.
- 17
18 D. A petitioned amendment submitted under Paragraph C above may be filed at any
19 time. However, if a petition not meeting the requirements for the Citizens Binding
20 Initiative procedure is submitted between August 1 and October 1 of any year, the
21 Council shall put the proposed amendment on its agenda and determine, prior to
22 December 1 of that year, whether or not to schedule the amendment for review
23 and hearing pursuant to Section 1000.3. The purpose of this paragraph is to enable
24 the potential filing of a Citizens Binding Initiative petition in time for the following
25 March election, in the event the Council determines not to proceed with review and
hearing.

26 1. The petitioner shall bear the responsibility of presenting the amendment
27 throughout the process described in Section 1000.3

28 2. The Petitioner shall pay RSA 675:7 notice fees and other applicable fees

29 3. City Council shall establish a Petitioner application fee in § 68-15
30 Enumeration of fees.

- 31 E. The Zoning Administrator may request persons submitting an amendment for any
32 additional information as may be necessary to put the proposal in a form consistent
33 with the remainder of the Ordinance and capable of being acted upon.

Amendment 19

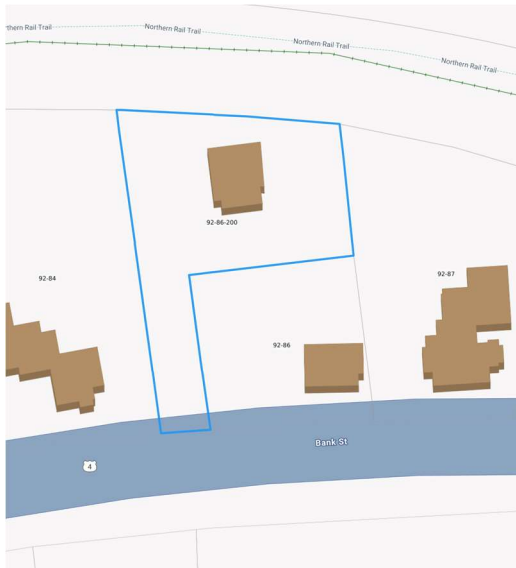
Miscellaneous Definitions – Appendix A

From: Zoning Staff and State Law Conformance

A. Definition of “Lot Width”:

“LOT WIDTH: The distance measured across the rear line of the required *front yard* providing that at least 22 20 feet exist along the *street line*.”

The reasoning behind changing the definition of “lot width” is to align with the City’s Driveway Regulations (adopted by the Planning Board) which require a minimum driveway width of 12 ft., with 5 ft. setbacks from the lot lines on either side of the driveway. Lot width is relevant for zoning districts that require minimum *lot width* rather than minimum *frontage*. These include the R-1, R-2, R-3, R-O, R-O-1, and PB Districts. Requiring a minimum “width” in lieu of minimum “frontage” allows the creation of “flag lots” or “back lots” in these districts. For reference, an example of a “flag lot” (located on Bank Street) is outlined in blue in the image below:



B. Definition of “Agriculture”:

“AGRICULTURE: ~~Any area of land, including structures thereon, that is used for agricultural purposes including forestry. This includes the raising of cows, horses, pigs, poultry and other livestock; horticulture and orchards; logging of a forest, woodland or plantation; selling of products grown or raised directly on such land; and the building, altering or maintaining of wood roads, agricultural roads, skidways, landings, fences, drainage systems and farm ponds.~~ This term shall have the meaning as set forth in RSA 21:34-a, II.”

The reasoning behind changing the definition of “agriculture” is to ensure that Lebanon’s agricultural-related zoning regulations can be effectively enforced in line with statutory requirements. Specifically, NH RSA 674:32-a, provides that, “whenever agricultural operations or activities **as defined in RSA 21:34-a** are not explicitly addressed with respect to any zoning district or location, such operations or activities shall be deemed to be permitted there, as either a primary or accessory use”. (emphasis added) Because the current definition of agriculture in Appendix A is different than the statutory definition, agriculture **as defined in RSA 21:34-a** is currently a permitted

Amendment 19

Miscellaneous Definitions – Appendix A

From: Zoning Staff and State Law Conformance

use in every zoning district. As such, Lebanon's current agriculture-related zoning regulations are effectively unenforceable and rendered moot by the statutory requirements. Updating the definition of "agriculture" to match the statutory definition will allow Lebanon to continue restricting agricultural uses to the zones where agriculture is identified as a permitted use (i.e. within the Rural Lands Districts). The statutory definition of agriculture is included below for reference.

Statutory Definition of "Agriculture", RSA 21:34-a, II:

II. The words "agriculture" and "farming" mean all operations or activities of a farm, including:

(a)(1) The cultivation, conservation, or tillage of the soil.

(2) The storage and use of or spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.

(3) The use of or application of agricultural chemicals.

(4) The husbandry of livestock which shall include but not be limited to all beef or dairy cattle, steer, oxen, goats, sheep, swine, horses, mules or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk (*Cervus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), or reindeer (*Rangifer tarandus*).

(5) The husbandry, boarding, training, or riding instruction of equines.

(6) The husbandry and harvesting aquaculture products including fresh or salt water finfish, shellfish, or other aquatic organisms grown for consumption or processing.

(7) The husbandry of poultry or game birds or production of eggs.

(8) The husbandry of bees or production of honey.

(9) The husbandry of domesticated strains of fur-bearing animals.

(10) The production of greenhouse crops.

(11) The production, cultivation, growing, or harvesting of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees or tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any plant that can be legally grown or harvested extensively for profit or subsistence.

(b) Any practice or activity on the farm incident to, ancillary to, or in conjunction with such farming operations, including, but not necessarily restricted to:

(1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.

(2) The transportation to the farm of supplies and materials.

(3) The transportation of farm workers.

(4) Forestry or lumbering operations.

(5) Marketing or selling at wholesale or retail, regardless of the manner or form of the transaction, any livestock or products derived principally from the production of the farm, including, but not limited to items listed in subparagraph (a), whether on-site or off-site, provided that marketing such products is not specifically prohibited by local regulations. For the purposes of this section marketing shall include agritourism, which means attracting visitors to a farm to attend events or

Amendment 19
Miscellaneous Definitions – Appendix A
From: Zoning Staff and State Law Conformance

activities that are accessory uses to the primary farm operation, including, but not limited to, being provided a meal, making overnight stays, enjoyment of the farm environment, education which shall be instruction or learning about the farm's operations, or active involvement in the activities of the farm.

(6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

(7) The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II(a)(4).

(8) The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm.

Amendment 20

Impact Fees

From: Zoning Staff

The impact fee changes proposed will serve two purposes. Eliminate the contradictory language in the Ordinance for dwelling units below 500 sq. ft. and to close the “basement loophole. The 500 sq. ft. contradiction says in one place in the text that no impact fees are due and in another that school impact fees can be waived. Eliminating the complete exemption language as proposed will ensure that Fire, Police, and Recreation impact fees will be collected for smaller units. Second is the closing of the “basement loophole” currently only the area of a new home that is “above grade” is included in the square footage calculations for impact fees. A walk-out basement and potentially finished basement would not be charged impact fees despite the fact that they are clearly part of the Gross Living Area. Finally, there is no sunset on the fee exemption for acts of nature or the replacement of a manufactured home. We proposed a time limit of two years which matches the same limits in the non-conformity section of the ordinance. There will be impact fee revenue enhancement that results from these changes.

SECTION 213 IMPACT FEES.

E. Development means an activity that results in:

- (1) The creation of a new **dwelling unit** or units or new **manufactured housing**; or
- (2) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of **dwelling units**; or
- (3) Construction resulting in a new non-residential **building** or a net increase in the **gross floor area** of any non-residential **building**; or
- (4) The conversion of a lawful existing use to another use if such change would result in a net increase in the demand on public capital facilities that are the subject of impact fee assessment.
- (5) A net increase in a residential building’s gross floor area greater than 500 square feet.

Notwithstanding the above, new development shall not include:

- ~~a. The creation of any new studio or one-bedroom accessory dwelling unit with a gross living area of 500 sq. ft. or less;~~
- a. The replacement of an existing **manufactured housing** unit or any existing **dwelling unit** if replaced within 2-years; or
- b. The reconstruction of a **structure** that has been destroyed by fire or natural disaster if replaced within 2-years where there is no change in size, density, or type of use that would increase the demand on capital facilities for which impact fees are assessed.

GROSS LIVING AREA: The total area of ~~above-grade~~ residential space within a dwelling unit as measured using exterior building dimensions, with a ceiling height of 7 ft. or greater, excluding unheated areas such as garages, enclosed or open porches, covered or open decks, outside stairs, balconies, and other unenclosed areas. The floor area of a walk-out basement with a ceiling height of 7 feet or greater shall be included.

October 27, 2025

Nathan Reichert
Director of Planning & Development
City of Lebanon
51 N. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

RE: Twenty 2025-2026 Proposed Zoning Amendments

Mr. Reichert:

This is a preliminary legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance concerning twenty (20) amendments to the zoning map or the text of the zoning ordinance proposed by the planning board, planning staff, or the city council. I have reviewed a staff memorandum packet dated September 22, 2025 which includes informational materials for each of the twenty amendments.

The ZO requires this legal review to cover: (a) whether such amendment is within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendment can be administered and enforced.

With respect to the twenty (20) proposed amendments described in the September 22, 2025 Planning and Development Department Staff Memo, my general answer to the three questions in Section 1000.3.B(2) is “yes”, subject to specific comments as to appropriate form set forth below. With the exception of my comments below, I discern no significant legal or administrative issues of concern with these proposed amendments. If I do not reference a specific amendment below, then I have no comments as to its form.

1. Amendment 1: 2024 HB1361: Manufactured Homes

As amended by 2024 HB1361, RSA 674:32, I(b) specifies that municipalities must afford opportunities for siting of manufactured housing in one or more specific areas: (1) on individual lots, in districts zoned to permit residential uses; **OR** (2)(A) in manufactured housing parks in districts zoned to permit residential uses and (2)(B) in subdivisions created for the placement of manufactured housing on individually-owned lots, in districts zoned to permit residential uses; **OR** (3) in all three types of locations listed in (b)(1), (b)(2)(A) and (b)(2)(B).

Section 209 in its current form allows manufactured housing in manufactured housing parks ((2)(A) above) and in manufactured housing PURDs (which, per Sections 500, 501 and 504 of

the ZO, are a type of “subdivision” for purposes of (2)(B)). Therefore, Lebanon’s ZO appears to already be in compliance with the amended RSA 674:32, I.

I note that RSA 674:32, I(c) now specifies that “[n]o special exception or special permit shall be required for... manufactured housing subdivisions pursuant to subparagraph (b)(2)(B) unless such special exception or permit is required by the municipality for single family housing located on individual lots or in subdivisions. Under ZO section 504, I note that a manufactured housing PURD requires a conditional use permit. This appears to be appropriate because ZO section 501.1.B specifies that *all* PUDs, including PURDs, require a conditional use permit.

The proposed amendment to also allow manufactured housing on individual lots in districts where one-family dwellings are permitted is in accord with RSA 674:32, I, (b)(1) and (b)(3), as it allows manufactured housing units in “most” areas zoned for “residential uses”. I recommend the following edits to the proposed addition to Section 209, to conform more closely with the statute.

Manufactured ~~H~~ousing ~~U~~nits shall also be allowed on individual lots in zoning districts that allow one-family dwellings with the following conditions:

1. The ~~M~~anufactured housing unit shall be a one-family dwelling.
2. The ~~M~~anufactured housing unit shall be on a foundation.
3. A manufactured housing unit shall not be used ~~an~~ as an ADU.
4. Design elements such as landscaping, porches, pitched roofs, and stone or bricks accents are encouraged.
5. The manufactured housing unit shall ~~follow~~ comply with lot size, frontage requirements, space limitations, and all setbacks, parking, and regulations of the zoning district.
6. Manufactured housing units are not eligible for the Pattern Zones Overlay District zoning enhancements.

2. Amendment 3: SB284: Residential Parking Requirements

Note that the state law requiring this amendment is 2025 Senate Bill (SB) 284, not a House Bill (HB).

The proposed amendment to ZO section 607.3(A) deletes an exception to maximum parking requirements for one- and two-family dwellings, and appears to insert a maximum off-street parking cap of 200% (double) the minimum requirement from the Table of Minimum Off-Street Parking Requirements. In its current form, the Table requires a minimum of 2.0 parking spaces per one-family or two-family dwelling unit. The proposed amendments would now seem to cap the number of parking spaces at 2.0 per one-family or two-family dwelling unit (by reducing the minimum to 1.0 spaces and only allowing 200% of the minimum).

Unless I am misunderstanding the intent of the maximum parking language, I recommend that a carve-out for one- and two-family dwellings be restored. It would be difficult to administer and enforce a maximum limit of two off-street parking spaces for residential homes.

3. **Amendments 5-9: Map Amendments – A note on Spot Zoning**

Amendments 5-9 propose re-zoning various lots up and down the Route 120 corridor. It is of course within the City's authority to change its zoning map and to change the zoning district designation of land. A hallmark of zoning is that regulation is by district and not by individual lots, so whenever a proposed change would affect a relatively limited area, it is important to consider whether that change meets the legal standard for zoning.

A change to a zoning map may be problematic "spot zoning" if it is singled out for treatment different from that of surrounding land which cannot be justified on the basis of health, safety, morals, or general welfare of the community and if the change is not in accordance with a comprehensive plan. See Miller v. Town of Tilton, 139 N.H. 429 (1995). The mere fact that an area is small, is rezoned at the request of a single owner, and is of greater benefit to that owner than to others does **not** necessarily constitute spot zoning if there is a public need for it or a compelling reason for it. Id.

In considering whether rezoning constitutes spot zoning, courts may consider whether the change is made in response to some public need. See Shadlick v. Concord, 108 N.H. 319 (1967) (zoning change was made in response to growing need for multi-family housing which already existed in proximity to the rezoned area, and thus was part of a comprehensive plan rather than spot zoning). Also relevant is whether there are sufficient opportunities for the targeted use elsewhere in the community, particularly if those other areas aren't being used. See Bosse v. Portsmouth, 107 N.H. 523 (1967) (rezoning of one parcel for industrial use when it was surrounded by residential uses was spot zoning because many other areas in the city were available for industrial use but weren't being used that way). The common thread in the case law is that a court will consider whether there is a reason or combination of reasons for the change that is in the public interest and consistent with the community's development goals.

In this case, I do not discern any "spot zoning" issues with respect to the proposed map amendments.

4. **Amendment 11: Section 408: Historic District**

The proposed amendment to reference the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", specifically "as of 9/3/2025", and listing out those standards, means that these standards in Lebanon's ZO will not automatically update and change as the Secretary of the Interior's standards and guidelines may change. On the one hand, explicitly spelling out the standards may be helpful for readers. On the other hand, if/when in the future the standards are updated by the Dept. of the Interior, ZO Section 408.6 will need to be manually updated with further amendments to the ordinance.

5. **Amendment 12: Mobile Food Service Vending Ordinance**

I reviewed an earlier version of this ordinance in a letter dated April 4, 2025. I observe that the current version of the proposed ordinance appears to have addressed my questions and concerns.

6. **Amendment 17: Care and Treatment of Animals**

The proposed revisions to definitions include a definition for “Animal Clinic, Animal Hospital, or Veterinary Office” (emphasis added). The proposed revisions to the use tables add “Animal Clinic, Hospital, or Veterinary Office” to various zoning districts. To avoid confusion, the use tables should be updated to reference “Animal Clinic, Animal Hospital, or Veterinary Office”.

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,



Matthew C. Decker



18 September 2025

Honorable Mayor and City Council
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Re: Request for Zoning Map Change

Dear Mayor and Councilors:

On behalf of Rock Ridge Lebanon, LLC, this letter is being written to request a change to the city zoning map to be part of the city's annual zoning review.

Request #1. Rezone parcels along Old Pine Tree Cemetery Road to R-3 (see attached "OPTCR").

The parcels involved include 117-17, 74-1-100, 74-1-200, and numerous Rock Ridge parcels. These parcels are adjacent to the existing R-3 zoned parcels at the westerly end of OPTCR. This request seeks to extend the R-3 zone approximately 4,000' easterly to the southerly property line of Rock Ridge. The parcels proposed for re-zoning are currently zoned RL-2.

The current RL-2 zoning allows for 1Ac lots. The proposed R-3 zoning allows 0.25Ac lots. By placing the zone line 500' from OPTCR an additional 200 homes could be allowed. Under the Rock Ridge subdivision approval and the Homeowners Association documents, only 148 units can be built on the site, if zoning allows. This constraint ensures the city that an excessive amount of homes will not be built. However, this proposal fills the need for this type of housing that is missing and desperately needed to retain workers.

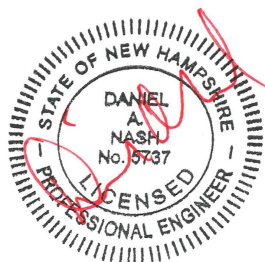
Changing the zoning for these parcels would allow for more single family homes and not cause the potential for harmful impacts from development.

Please let me know if you have any questions regarding this request.

Sincerely,

Daniel A. Nash, PE
Principal

Attachments:

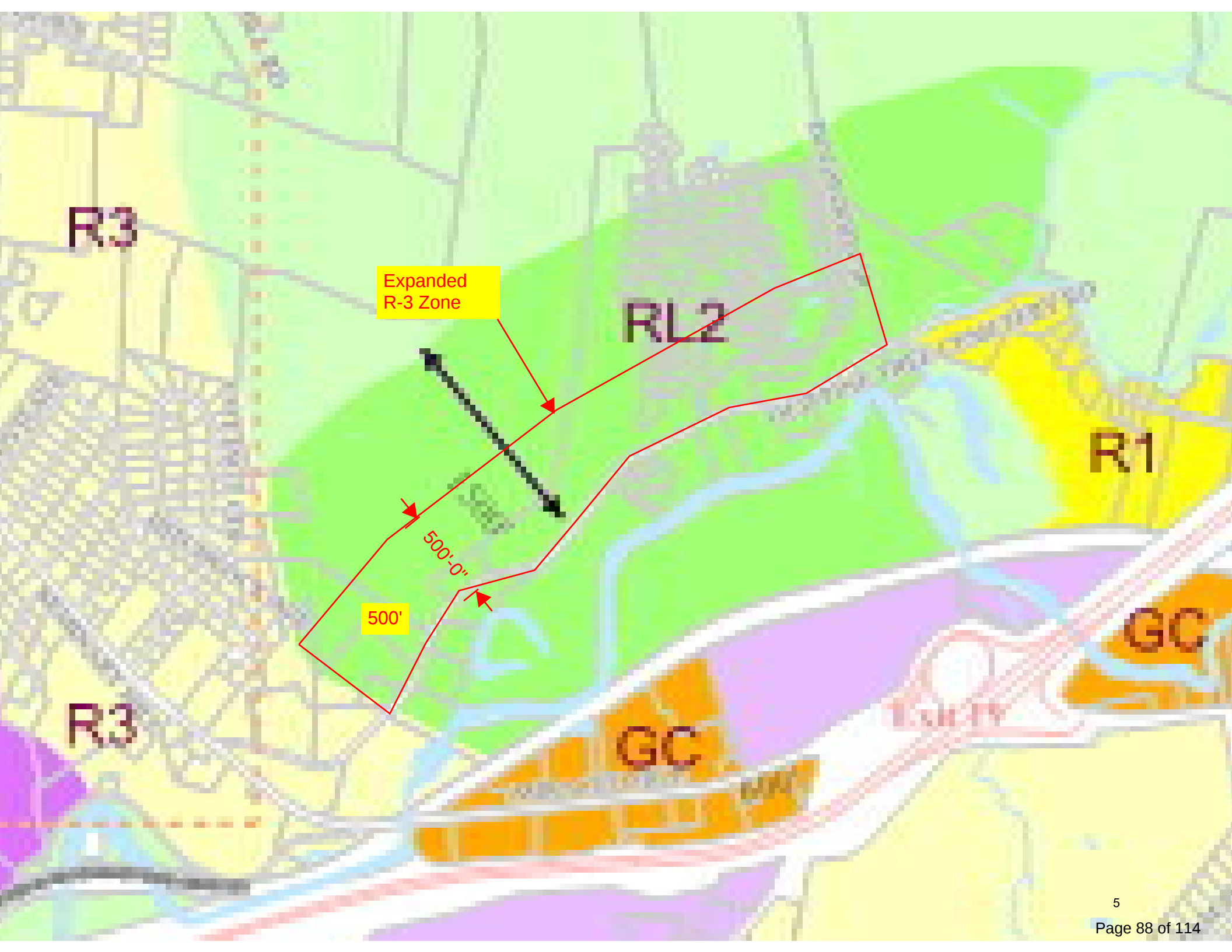


City Council
Request for Zoning Change
18Sep2025

-OPTCR
-R-3
-RL-1, 2, &3

CC: Don Hirst

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SECTION 310 RESIDENTIAL THREE DISTRICT (R-3).

310.1 Purpose.

The purpose of the R-3 District is to provide areas primarily for single family residential neighborhoods.

310.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. One-family dwelling 2. Accessory dwelling unit (ADU) per Section 610	<u>Residential</u> 1. Two-family dwelling by conversion of existing one-family dwelling 2. Senior housing complex
<u>Commercial/Non-Residential</u> 3. Home business per Section 600 4. Home-based agricultural business per Section 600B.2 (lots 5 acres or more) and per Section 600B.3 (lots greater than 10 acres) 5. Home-based agricultural business per Section 600B.3.A (5–10 acre lots) 6. Home-based agricultural business per Section 600B.3.B (10+ acre lots) 7. Hospital 8. House of worship 9. Public education facility 10. Public recreation facility 11. Public safety facility 12. Renewable energy system per Section 612	<u>Commercial/Non-Residential</u> 3. Cemetery 4. Essential service 5. Group day care facility per Section 604 6. Home-based agricultural business per Section 600B.2 (lots less than 5 acres) 7. Nursing home
	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
<u>Planned Developments</u> 13. PURD per Section 501	<u>Residential</u> 1. Cottage development per Section 509

310.3 Table of Area, Dimensions and Coverage.

Minimum Lot Size

Class	Area	Width	Maximum Height
1	10,000 sq.ft.	75'	35'
2	15,000 sq.ft.	75'	35'
3	40,000 sq.ft.	100'	35'

Minimum Yard

Class	Front	Side	Rear	Max. <i>Building Coverage</i>
1	20'	15'	20'	25%
2	20'	15'	20'	20%
3	25'	25'	30'	15%

310.4 Dwelling Unit Density.

For ***senior housing complexes*** and PURDs per Section 501.2 (“Planned Unit Residential Development (PURD)”), one (1) ***dwelling unit*** is permitted per each 10,000 sq. ft. of lot area. Density for ***senior housing complexes*** may be increased per Section 603 (“Senior Housing Complexes”).

SECTION 312 RURAL LANDS ONE DISTRICT (RL-1).

312.1 Purpose. The purpose of the RL-1 District is to provide areas of transition between the denser urban neighborhoods of the R Districts and the more sparsely settled and/or more environmentally sensitive RL-2 and RL-3 areas.

312.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> One-family dwelling Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> Agriculture Home business per Section 600 - House of worship - Public education facility Public recreation facility Renewable energy system per Section 612 <u>Planned Developments</u> Manufactured housing park per Section 503 Manufactured housing PURD per Section 504 - PRec per Section 501 - PURD per Section 501	<u>Commercial/Non-Residential</u> Care and treatment of animals - Cemetery Essential service Group day care facility per Section 604 Home-based contractor's yard per Section 600A - Radio or TV tower or other communication equipment - Recreational camping park per Section 505 Recreational facility, indoor Recreational facility, outdoor

312.3 Table of Area, Dimensions and Coverage.

Minimum Lot Requirements						Maximum Limitations	
Class	Lot Area	Lot Frontage	Front Yard	Side Yard	Rear Yard	Height	Building Coverage
1 or 2	1 acre	150'	40'	25'	30'	35'	15%
3	3 acres (*)	150'	40'	25'	30'	35'	15%

*The minimum lot size may be reduced to an area not smaller than one (1) acres by application of the High Intensity Soils Mapping Standards (i.e. **HIS**) of Appendix B.

SECTION 313 RURAL LANDS TWO DISTRICT (RL-2).

313.1 Purpose.

The purpose of the RL-2 District is to provide land for low density, rural living.

313.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> One-family dwelling Accessory dwelling unit (ADU) per Section 610	<u>Commercial/Non-Residential</u> Care and treatment of animals - Cemetery Essential service Group day care facility per Section 604 Home-based contractor's yard per Section 600A Produce stand - Radio or TV tower or other communication equipment - Recreational camping park per Section 505 Recreational facility, indoor Recreational facility, outdoor Excavation of natural earth materials per Section 606
<u>Commercial/Non-Residential</u> Agriculture Home business per Section 600 - House of worship Public recreation facility Renewable energy system per Section 612	
<u>Planned Developments</u> Manufactured housing park per Section 503 Manufactured housing PURD per Section 504 - PRec per Section 501 - PURD per Section 501	

313.3 Table of Area, Dimensions and Coverage.

Minimum Lot Requirements						Maximum Limitations	
Class	Lot Area	Lot Frontage	Front Yard	Side Yard	Rear Yard	Height	Building Coverage
1 or 2	1 acre	150'	40'	20'	25'	35'	20%
3	3 acres (*)	200'	40'	35'	30'	35'	10%

*The minimum lot size may be reduced to an area not smaller than one (1) acres by application of the High Intensity Soils Mapping Standards (i.e. **HIS**) of Appendix B.

SECTION 314 RURAL LANDS THREE DISTRICT (RL-3).

314.1 Purpose.

These are areas of the City within which development should be restricted until it has been further studied and detailed plans developed. These are critical areas where slopes of over twenty-five percent (25%) may be found, **wetlands** and a seasonably high water-table exist or have poor highway access to the rest of the community. These areas almost uniformly have severe restrictions for on-site disposal of sewage and any extensive development, including **driveways**, may present problems in grades and control of erosion. The primary use of these areas should be for forestry with only limited development for single family residential purposes on large lots.

314.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. Accessory use to any one-family dwelling <u>Commercial/Non-Residential</u> 2. Agriculture 3. Home business per Section 600 4. Public recreation facility 5. Renewable energy system per Section 612 <u>Planned Developments</u> 6. PRec per Section 501 7. PURD per Section 501	<u>Residential</u> 1. One-family dwelling 2. Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> 3. Cemetery 4. Essential service 5. Home-based contractor's yard per Section 600A 6. Radio or TV tower or other communication equipment 7. Recreational camping park per Section 505 8. Recreational facility, indoor 9. Recreational facility, outdoor

314.3 Table of Area, Dimensions and Coverage.

Minimum Lot Requirements				Maximum Limitations	
Lot Area	Front Yard	Side Yard	Rear Yard	Height	Building Coverage
10 acres	50'	50'	50'	35'	1%

Petition for Zoning Changes along Old Pine Tree Cemetery Road

(Old Pine Tree Cemetery Road)

18 September 2025

Members of the Lebanon City Council,

As voters of the City of Lebanon, we petition you to make changes to the zoning map.

-Our request is under the provisions of the Zoning Ordinance, Section 1002.2.C..

-Our requests are outlined in AGD letter to the City Council dated 18Sep25

We, the voters, call on the City of Lebanon to make these changes to allow for more single family homes to be built on these properties.

Name of Resident	Signature of Resident	Address and Phone	Date Signed
Juan Holmes	Juan Holmes	24 Pleasant St. Unit 35 W. Lebanon NH 03789	9/18/25
MICHAEL KIPP	[Signature]	181 MERIDEN RD. LEBANON, NH	9/19/25
EUGENE BORSVERT	[Signature]	2 Parker Lane W Lebanon 03789	9/19/25
Shari Gilliam	Shari Gilliam	3 Orcutt Avenue West Lebanon, NH	9/19/25
Brenda H. H. H.	[Signature]	54 Middle St	9/19/25
ERIC BLAIR	Eric Blair	2 Spencer St	9/19/25
Dan Nash	Dan Nash	387 Poverty Lane 603-448-6023	19 Aug 25



30 October 2024

Honorable Mayor and City Council
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Re: Request for Zoning Change

Dear Mayor and Councilors:

On behalf of ICV of NH, LLC, this letter is being written to request a zoning change to be part of the city's annual zoning review.

Request #1. Rezone parcel 26-2 on Etna Road to GC-1 (see attached "Lot 26-2").

Parcel 26-2 is a large, mixed use industrial parcel. It currently has an office building and an a multi-family building on it. The parcel is unsuitable for typical industrial building as it is steep and boulder. The land could support one or two more multi-family structures, if re-zoned.

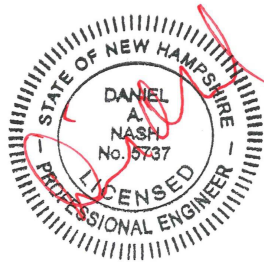
This parcel is in between the other parcels being considered for change to GC-1. It has the same characteristics as those parcels and could provide similar benefit to the city. Making this change fits with those properties. I believe this parcel was overlooked in the study process and should be included for consideration for a zone change.

Establishing this proper zoning to this parcel would be just, appropriate, and not cause the potential for harmful impacts from development.

Please let me know if you have any questions regarding this request.

Sincerely,

Daniel A. Nash, PE
Principal



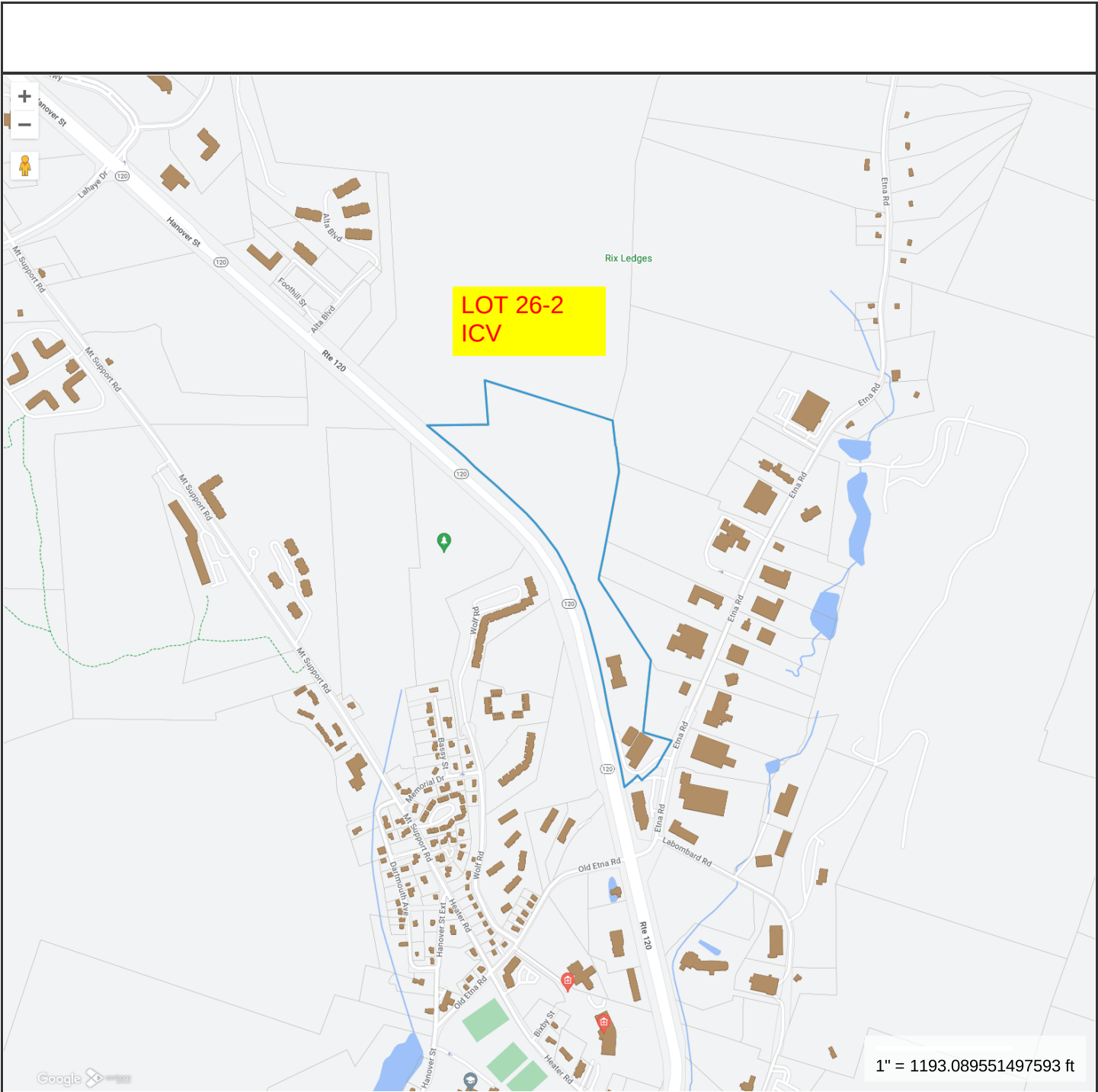
City Council
Request for Zoning Change
30Oct2024

Attachments:

- Lot 26-2
- North Lebanon zone change map
- signed petition

CC: Robert Sprayregen, ICV

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Property Information

Property ID 26-2
Location 67 ETNA RD
Owner ICV HOLDINGS OF NH LLC



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 07/15/2024
Data updated 11/18/2018

Print map scale is approximate.
Critical layout or measurement activities should not be done using this resource.

The Pattern Zones Study includes three primary areas of focus:

1. Creation of a Pattern Zones Overlay District to promote infill housing development within the study area.
2. A Preapproved Architecturally Designed Pattern Book, consisting of 15-25 house designs that can be accessed free of charge to those seeking to build a new house in the study area. The Pattern Book will be contracted for three years with Pattern Zones Co. and will be accessible online. The final stages of its approval are currently under development.
3. A sensitivity analysis, provided at the City Council meeting in September, analyzed housing market trends, zoning codes and the current neighborhood configuration to match housing opportunity with regulatory structure. The Zoning recommendations are based upon the sensitivity analysis.

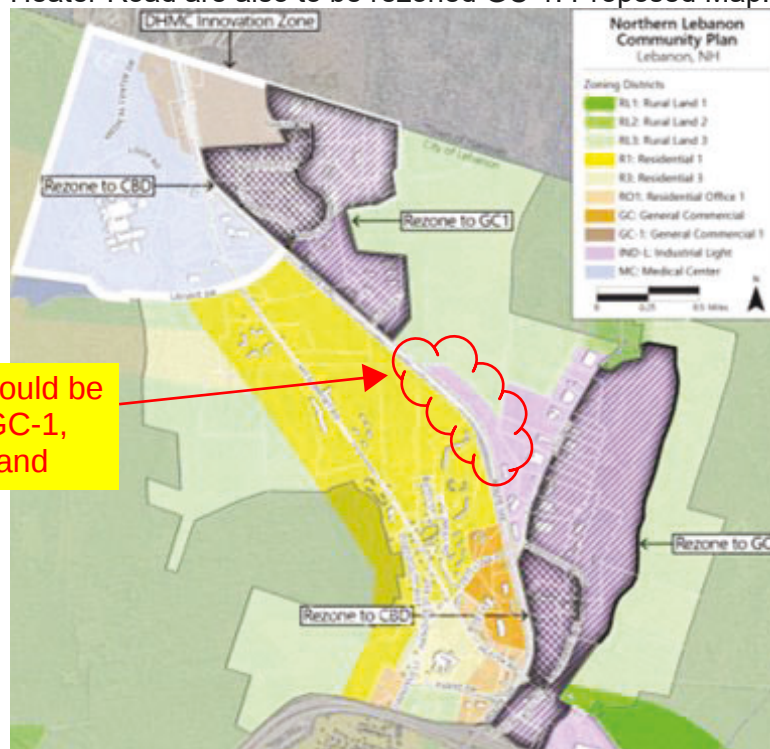
B. 120 – North Lebanon Study

The 120 North Lebanon Study was initiated in January 2024 and concluded with a presentation to City Council in September 2024. The study included substantial public engagement with the people that live and work in the Northern Lebanon neighborhood. The study makes a series of recommendations within three categories: Conservation, Zoning, and City amenities including transportation improvements. Specific recommendations include the creation of a wildlife crossing and land use-based protections for the crossing, and the re-zoning of the area to maximize development in line with the current and future needs of the neighborhood.

1. Zoning Map changes.

- a. The changes proposed within the study area are to rezone the areas around Centerra business park to Central Business District (CBD).
- b. The Altaria developments and surrounding areas are to be rezoned as General Commercial One (GC-1).
- c. The areas along Etna Road, Labombard Road, Heater Road and Little Heater Road are also to be rezoned GC-1. Proposed Map:

ICV land that should be considered for GC-1, as other IND-L land



Petition for Zoning Change to LD zone

(Mechanic Street)

21 October 2024

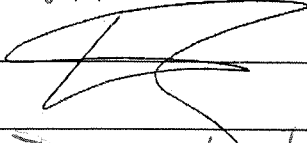
Members of the Lebanon City Council,

As voters of the City of Lebanon, we petition you to make changes to the zoning ordinance.

-Our request is under the provisions of the Zoning Ordinance, Section 1002.2.C..

-Our requests are outlined in AGD letter to the City Council dated 21Oct24

We, the voters, call on the City of Lebanon to make these changes to establish fair and just zoning for this property.

Name of Resident	Signature of Resident	Address and Phone	Date Signed
Daynel Parri's	Daynel Parri's	200 Maccoma St 603-878-6543	10/30
Jennifer Labrie	Jennifer Labrie	8 Forster Street 603-252-5149	10/30
Brenna Labbie	Brenna Labbie	603-790-3165	10/30
	Robert Oakes	603-443-0492	10/30
Daniel Nash	Daniel Nash	603-448-6023	30 Oct 24

August 21 2025
To Lebanon City Council;

I would like to ask that the City of Lebanon consider **adding "Vehicular Repair" as an allowed use within the City's Light Industrial zone.**

Currently, the only zone that currently allows Vehicular Repair is in the General Commercial (GC) Zone. GC zoning is generically supportive of retail focused businesses that require high traffic count and visibility, and historically has supported small auto repair shops as found on Mechanic Street. However, as I have discovered in a current engagement by Key Collision (division of Key Auto), the size and nature of most GC lots are not that appropriate for larger autobody repair shops, which don't need/want high visibility, need to be fenced for insurance and security and frequently need 3-4 acres of land, which support a large shop and significant parking.

Currently, the Light Industrial Zone permits:

- 1) Vehicular sales (with Conditional Use Permit), however NOT Vehicular Repair, despite the nature of this business being more aligned with manufacturing and industry.
- 2) Equipment and Machinery (tractors, lifts, etc) sales, rental and service. These businesses are similar in nature to larger vehicular repair/autobody shops. They do not fit well in high traffic retail locations.

Given the purpose of the IND-L zone (see below) and the nature of the vehicular repair autobody shop business, it is my petition that this use should be allowed in the Light Industrial zone.

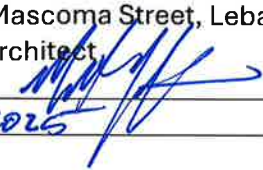
*303.1 Purpose. The purpose of the IND-L District is to provide land in appropriate locations for the establishment of manufacturing plants and other businesses of a similar nature, which improve employment opportunities and strengthen the economic base of the city. Such activities should not adversely affect the natural environment, adjacent residential areas or community facilities. A variety of manufacturing, distribution and service industries, and certain limited support activities are allowed in the district. However, in order to preserve appropriate land for such uses, residential uses and many types of commercial uses, such as retailing and **personal services**, are not allowed.*

This zoning change is supported by the following Lebanon residents:

Name: Tim Olsen

Address: 45 Mascoma Street, Lebanon, NH

Profession: Architect

Signature 

Date 8/24/2025

Name: Matt Giffin

Address: 5 Hillside Drive

Profession: Architectural Designer

Signature 

Date 8/24/2025

Sincerely

Chip Brown

BCR

chip@brownncr.com

Lebanon City Council
Shaun Mulholland
Jack Wozmak
Lebanon City Hall
51 N Park St
Lebanon, NH 03766

Dear Members of the Lebanon City Council,

I am writing to formally submit a petition in accordance with Section 1000.2.C of the Zoning Ordinance on behalf of the voters who have signed the petition. This petition seeks to amend the Zoning Ordinance, specifically Section 607.8.C.2, which pertains to the regulations for electric vehicle (EV) charging in multi-family dwellings.

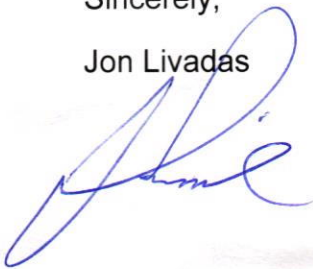
The attached document outlines the proposed amendment and our rationale for the requested changes. We believe that the current EV charging requirements are overly restrictive and financially burdensome, particularly for new developments which will further inflate the housing crisis and limit affordable housing development. By revisiting the requirement using accurate data and by allowing these decisions to be made through the site plan review process, we can ensure a more flexible and case-by-case approach that better accommodates the diverse needs of different projects within our community.

We respectfully request that this petition be reviewed and considered for adoption to promote equitable development and the effective allocation of resources.

Thank you for your attention to this matter.

Sincerely,

Jon Livadas



Petition 1000.2 C: Revising the EV Charging Mandate

607.8 Electric Vehicles.

- A. Purpose. The purpose of this section is to facilitate the transition to **electric vehicle** use and to expedite the establishment of convenient, cost-effective **electric vehicle infrastructure** that such a transition necessitates.
- B. Applicability. **EV charging stations** are allowed as an **accessory use** in all zoning districts. When the retail charging of **electric vehicles** is proposed to be the principal use of a **lot**, then the proposed **EV charging station** shall be considered a **service station** for zoning purposes.
- C. ~~EV Infrastructure Requirements / Off-Street EV Parking Requirements. EVSE-installed spaces, EV-ready spaces, and EV-capable spaces shall be provided as follows:~~
- ~~1. One and Two-Family Dwellings. All new one and two family dwellings shall provide at least one (1) EV-ready space per dwelling unit.~~
 - ~~2. Multi-Family Dwellings. Parking for multi-family dwellings and senior housing complexes shall include a minimum of 65% of EVSE-installed EV-ready, and EV-capable spaces as follows:~~
 - ~~a. EVSE-installed spaces for a minimum of 5% of proposed off-street parking spaces.~~
 - ~~b. EV-ready spaces for a minimum of 20% of proposed off-street parking spaces.~~
 - ~~c. EV-capable spaces for a minimum of 40% of proposed off-street parking spaces.~~
 - ~~3. Non-Residential Uses. Parking for uses requiring or proposing to provide 30 or more off-street parking spaces shall include a minimum of 50% of EVSE-installed, EV-ready, and EV-capable spaces as follows:~~
 - ~~a. EVSE-installed spaces for a minimum of 2% of proposed off-street parking spaces, with a minimum of two EVSE-installed spaces.~~
 - ~~b. EV-ready spaces for a minimum of 10% of proposed off-street parking spaces.~~
 - ~~c. EV-capable spaces for a minimum of 38% of proposed off-street parking spaces.~~
 4. Where the calculations above result in a fractional parking space, it shall round up to the next whole number.
 - ~~5. Where the number of EVSE-installed spaces provided exceeds the minimum required, the excess spaces shall be deducted from the total number of required EV-ready spaces.~~
 - ~~6. Where the number of EV-ready spaces provided exceeds the minimum required, the excess EV-ready spaces shall be deducted from the total number of required EV-capable spaces.~~
 - ~~7. Up to five (5) Level 2 EV-installed spaces may be substituted with one (1) Level 3 EV-installed space (minimum 50kW).~~
 - ~~8. EVSE-installed spaces, EV-ready spaces, and EV-capable spaces are to be included in the calculation for both the number of minimum required and maximum permitted off-street parking spaces.~~
 - ~~a. Every two (2) EVSE-installed spaces provided in addition to the required minimum may be counted as four (4) off-street parking spaces as relates to Section 607.1 (Minimum Off-Street Parking Requirements), for reduction of total required parking not greater than 10 percent of the total amount of required parking.~~

This document serves as a petition to remove the Electric Vehicle (EV) charging mandates from the Zoning Ordinance and instead include a simpler requirement that suits the actual projected demand in Site Plan regulations.

The current multi-tiered approach of EV charging requirements is overly cumbersome, financially prohibitive, and confusing for property owners. The existing zoning ordinance assumes that almost every tenant will have at least one electric vehicle and lacks the flexibility needed to accommodate various types of projects, forcing all properties, including affordable housing, to adhere to the same overbearing standards. There is no data supporting the current mandates and while we understand Lebanon's EV goals the requirement seems to greatly out project a realistic EV adoption rate. Furthermore, the data showing EV growth in the Lebanon seems to be inaccurate, only covers a few years, and it doesn't distinguish between EV owners who own vs those who rent their homes. This is a crucial factor, as renters have different needs and priorities compared to homeowners when it comes to their vehicle choices. Ignoring this distinction further compounds the issues with the current one-size-fits-all approach

The EV industry continues to evolve as technology changes and making decisions today under the guise of being proactive to save property owners money in 5 or 10 years seems short-sighted given the limited and inconsistent data. Below are two screen grabs from the Lebanon website discussing registered EVs in Lebanon. The first is from last year (2024) and states Lebanon had 212 EVs in 2023. The second image is currently on the website and states there were 58 in 2023 and 95 in 2024.

[News Flash Home](#)
The original item was published from 12/28/2023 11:05:00 AM to 6/2/2024 12:00:01 AM.
[Electric Vehicles](#)

Posted on: December 28, 2023

[ARCHIVED] EV Adoption Zooming Ahead

The latest vehicle registrations in Lebanon confirm a rapid rise in the number of electric vehicles (EVs), which includes all-electric cars or trucks and plug-in hybrids. The same acceleration is happening in Grafton County, across the State of New Hampshire, and in the United States as a whole, Lebanon's [Electric Vehicle \(EV\) Subcommittee](#) reports.

Compared with December 2022, the number of EVs registered in Lebanon increased by 70% in December 2023. And compared with 2016, when the first long-range EVs became available (other than Teslas), EV registrations in Lebanon increased by 278% in 2023. The absolute numbers still are small locally -- we are up to 212 EVs in Lebanon -- but the trend toward more EVs is happening in all parts of the state and the country.

[CNN reports](#) that in 2023 for the first time, U.S. consumers bought more than 1 million EVs in a single year, accounting for around 8% of car sales. A [recent presentation](#) by the New Hampshire Department of Environmental Services (DES) showed increased EV registrations in every county, with Grafton being the fourth most EV-popular county in the state:



Why EVs?

- EVs are fun to drive!
- Throughout New England, transportation emits carbon dioxide (a greenhouse gas) more than any other sector of society. The same is true in Lebanon. According to the 2012 Lebanon Master Plan, Lebanon's commercial sector is the largest carbon emitter here, and 70% of that is commute vehicle emissions.
- EVs can run on clean, affordable, domestic electricity.
- EVs save money in the long run. Although purchase prices for some EVs can be higher than for some internal-combustion vehicles, costs for fuel and maintenance are dramatically lower with EVs, producing considerable savings overall.
- EVs are good for business. [Installing EV charging stations increased sales at nearby businesses by an average of 13% in a four-year study of 273 stores, restaurants, hotels, and other retail businesses.](#) In a [separate study](#) of 4,000 EV charging stations and 140,000 business establishments, installing EV charging increased annual spending at nearby businesses by 2.7% in 2019 and 3.2% in 2021-2023.
- The U.S. auto industry is shifting to EVs. The number of plug-in vehicles registered in Lebanon increased by 58% between December 2023 and December 2024 (from 58 to 95 EVs and plug-in hybrids). Plug-in vehicles comprised 3.5% of vehicles in Lebanon in 2024, up from 0.5% in 2020. Also view [a town-by-town breakdown of 2020 EV registrations](#) (PDF).

So which number is correct? We would be surprised if EV ownership has gone down, and we are not arguing the industry isn't growing, but we do believe a more balanced approach is necessary. One that aligns with the actual needs of the community while forecasting a realistic adoption rate based on defensible, local data rather than nationwide statistics or only pro EV articles. Requiring 65% or more parking spaces to be EV/ready when there is no data to support that number is an overreach. For instance, The Lebanon Woolen Mill (LWM) multi-family development, has 240 parking spaces and is required to have 156 EV parking spaces mixed across the different levels. LWM, will have almost three times more EV ready spaces than there are registered EVs in Lebanon. Furthermore, the development is private, and the chargers will not be accessible to non-residents. Would we be better served by focusing on public charging stations accessible to everyone?

Imposing the current EV charging requirements is financially burdensome for property owners. The significant upfront costs will not yield short-term or long-term value, as technology and market demands evolve rapidly, and future value does not lower the cost of building today. These additional costs will result in less development of both market rate and affordable housing. We need housing units OF ALL KIND - the more supply the more rent relief the market will see.

As it stands, the EV ordinance does not offer the adaptability needed to address the unique circumstances of different developments. By moving EV requirements to the site plan review process, decisions can be made on a case-by-case basis just as parking requirements are managed today. This would allow for a more tailored approach,

ensuring that the needs of each project are adequately met without imposing unnecessary financial burdens on specific projects such as affordable housing.

Lastly, the EV mandate seems to not have thought about the impact it will have on the power grid if all the proposed developments get built. We understand charging will mostly happen during the night when tenants are home but still, the grid must be able to support the power being brought to the site. Were utility companies consulted regarding the additional load these requirements would impose and if that type of power could be provided? Using the Lebanon Woolen Mill project as an example, the switchgear needed to power just the EV aspect could power a 100-unit building. Many designated EV spaces won't have chargers installed as laid out in the requirements, yet our site will still need three switchgears. This is creating a scenario where the power infrastructure is significantly expanded without any guarantee of utilization while potentially lowering the load potential elsewhere. These are all issues California is dealing with today due to their overly aggressive EV requirements.

We believe that rescinding the EV charging mandate, right sizing it for the community future need, and moving it to the Site Plan Regulations will foster a more economically viable development landscape while motivating smaller property owners to invest in their assets to bring more housing on a smaller scale to Lebanon. By enabling a flexible approach through site plan review, we can ensure that each project is evaluated on its own merits and specific needs, similar to how parking requirements are handled.

If you support the above, please sign below:

Name: Karen A. Slayton

Signature: Karen A. Slayton

Date: May 20, 2025

Name: Robert E. Slayton

Signature: Robert E. Slayton

Date: May 20, 2025

Name: Gordon Bailey

Signature: Gordon Bailey

Date: May 20, 2025

Name: SIAMANTHA MEDINA

Signature: Samantha Medina

Date: May 21 2025

Name: Tracy Packard

Signature: Tracy Packard

Date: May 21 2025

Name: Cote Swenson

Signature: Cote Swenson

Date: May 21 2025

Name: Kim Davis

Signature: Kimberlee Davis

Date: 5/21/25

Name: Michelle Hammond

Signature: Michelle Hammond

Date: 5/21/2025

Name: Mary Mayes

Signature: Mary Mayes

Date: 5/21/2025

Name: Don Talburt

Signature: Don Talburt

Date: 5/21/2025

October 24, 2025

Nathan Reichert
Director of Planning & Development
City of Lebanon
51 N. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

RE: Four 2025-2026 Petitioned Zoning Amendments

Mr. Reichert:

This is a preliminary legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance concerning four petitioned amendments to the zoning map or the text of the zoning ordinance. I have reviewed a staff memorandum packet dated September 22, 2025 which includes the materials submitted in support of the four petitioned amendments.

The four petitioned amendments I have reviewed are as follow:

- **Petitioned Amendment 1:** Map Amendment: Rezoning of Parcels along Old Pine Tree Cemetery Road from RL-2 to R-3.
- **Petitioned Amendment 2:** Map Amendment: Rezone parcel 26-2 on Route 120, accessed via Etna Road, from IND-L and RL-3 to GC-1, in connection with an anticipated re-zoning to GC-1 of other nearby parcels to the north along Route 120 and to the south along the east side of Etna Road.
- **Petitioned Amendment 3:** Change of IND-L use table to add “vehicular repair” as a permitted use.
- **Petitioned Amendment 4:** Amendment to Electric Vehicle Ordinance, Section 607.8.

The ZO requires this legal review to cover: (a) whether such amendment is within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendment can be administered and enforced.

With respect to the four petitioned amendments described above, my answer to the three questions in Section 1000.3.B(2) is “yes” and, with the exception of my comments below concerning the possibility of spot zoning, I discern no significant legal or administrative issues of concern with this proposed amendment.

1. Proposed Zoning Map Change, 67 Etna Rd., Parcel 26-2:

This proposal would affect one lot consisting of approx. 37 acres, currently split-zoned between the IND-L and RL-3 districts. The property owner appears to have asked for the entire lot to be re-zoned to GC-1 (although the owner may have only intended that the current IND-L area be re-zoned to GC-1, leaving the RL-3 area unchanged).

It is of course within the City's authority to change its zoning map and to change the zoning district designation of land. A hallmark of zoning is that regulation is by district and not by individual lots, so whenever a proposed change would affect a relatively limited area, it is important to consider whether that change meets the legal standard for zoning.

A change to a zoning map may be problematic "spot zoning" if it is singled out for treatment different from that of surrounding land which cannot be justified on the basis of health, safety, morals, or general welfare of the community and if the change is not in accordance with a comprehensive plan. See Miller v. Town of Tilton, 139 N.H. 429 (1995). The mere fact that an area is small, is rezoned at the request of a single owner, and is of greater benefit to that owner than to others does **not** necessarily constitute spot zoning if there is a public need for it or a compelling reason for it. Id.

In considering whether rezoning constitutes spot zoning, courts may consider whether the change is made in response to some public need. See Shadlick v. Concord, 108 N.H. 319 (1967) (zoning change was made in response to growing need for multi-family housing which already existed in proximity to the rezoned area, and thus was part of a comprehensive plan rather than spot zoning). Also relevant is whether there are sufficient opportunities for the targeted use elsewhere in the community, particularly if those other areas aren't being used. See Bosse v. Portsmouth, 107 N.H. 523 (1967) (rezoning of one parcel for industrial use when it was surrounded by residential uses was spot zoning because many other areas in the city were available for industrial use but weren't being used that way). The common thread in the case law is that a court will consider whether there is a reason or combination of reasons for the change that is in the public interest and consistent with the community's development goals.

In this case, while only one lot is referenced, I see from the petitioner's cover letter an intent that the lot "should be included for consideration for a zone change" in connection with other nearby lots "being considered for change to GC-1". Therefore, to avoid a spot zoning concern, this amendment should be reviewed and considered in connection with the other referenced changes, and not as a stand-alone amendment. (I also note that the desire to re-zone all or part of this lot to GC-1 is in conflict with the amendment #6 being put forward by the City, which would re-zone the northern half of the IND-L section of this lot to RL-3 while the southern portion remains IND-L.)

2. Proposed Amendment to Electric Vehicle Ordinance, Section 607.8:

The proposed amendment appears to request deletion of 607.8 (C) parts 1-3 and 5-8, but not part 4. I do not see a function or purpose for part 4 left standing alone, and if this amendment is implemented, I would recommend the deletion of part 4 along with the rest of part (C).

October 24, 2025
Page 3

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,

A handwritten signature in blue ink that reads "Matthew C. Decker". The signature is written in a cursive style with a clear, legible font.

Matthew C. Decker

DRAFT

**LEBANON PLANNING BOARD
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE
MONDAY, NOVEMBER 10, 2025 6:30PM**

MEMBERS PRESENT: Andrew Faunce (Chair), Kellen Appleton, Don Collins, Patrick Kennelly, Wes Achord, Kathie Romano (alt) (REMOTE), Karen Zook (City Council Rep), Steven Cole (alt)

MEMBERS ABSENT: Richard Ford Burley (Vice Chair)

STAFF PRESENT: Tim Corwin (Deputy Planning Director)

OTHERS PRESENT: Matthew Decker, Esq. (Legal Counsel for the City)

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:30pm. Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures. Ms. Romano said she is participating remotely because she is out of town. She said no one was in the room with him during the meeting. Chair Faunce said Ms. Romano and Mr. Cole will be full voting board members for this meeting.

2. NOTICE OF REGIONAL IMPACT

The following applications were received by the Planning and Development Department on or before November 10, 2025:

- **Walhowdon Farm, Inc., 26 Walhowdon Way (Tax Map 138, Lot 5), zoned RL-2, and Mark & Jadene Patch, 0 Churchill Way (Tax Map 138, Lot 9), zoned RL-2 & RL-3: Request for approval of a Boundary Line Adjustment. PB2025-51-BLA**
- **Cicotte Holdings, LLC, 51 Evans Drive (Tax Map 78, Lot 40, Plot 200), zoned R-O-1: Pursuant to Section 9.1 of the Site Plan Review Regulations, applicant requests design modifications to a previously approved Site Plan (PB2024-48-SPRCUP) to expand the outdoor vehicular storage area for the existing vehicular sales use. PB2025-52-SPA**
- **Occom Path, Inc. and Trustees of Dartmouth College, 11 Oak Ridge Road (Tax Map 4, Lot 6), zoned R-3: On May 17, 2021, applicant obtained a Conditional Use Permit per Sections 501.1 & 501.2 of the Zoning Ordinance, Final Major Subdivision approval, and Site Plan Review approval of a proposed Planned Unit Residential Development (PURD) (PB2020-31-FMAJ). Applicant now requests Final Major Subdivision approval to convert ownership of the parcel into a twenty-one (21) unit condominium. PB2025-53-FMAJ**

Mr. Corwin said Staff recommends the applications do not have the potential for regional impact.

1 ***A MOTION was made by Andrew Faunce that the applications of Walhowdon Farm, Inc., 26***
2 ***Walhowdon Way (Tax Map 138, Lot 5) Mark & Jadene Patch, 0 Churchill Way (Tax Map***
3 ***138, Lot 9) PB2025-51-BLA; Cicotte Holdings, LLC, 51 Evans Drive (Tax Map 78, Lot 40,***
4 ***Plot 200), PB2025-52-SPA; and Occom Path, Inc. and Trustees of Dartmouth College, 11 Oak***
5 ***Ridge Road (Tax Map 4, Lot 6) PB2025-53-FMAJ do not have the potential for regional***
6 ***impact. The MOTION was seconded by Kellen Appleton.***

7
8 ****The MOTION was approved (7-0).***
9

10 **3. PUBLIC HEARING ITEMS**

11
12 **A. Brickyard One Nominee Trust, Hanover Street (Tax Map 48, Lot 1), zoned R-1, R-**
13 **O-1, R-3 & RL-3: On December 17, 2024, applicant obtained Site Plan approval and**
14 **a Conditional Use Permit for a proposed 474-unit multi-family Planned Unit**
15 **Residential Development (PURD) (PB2024-22-SPRCUP). Applicant now requests**
16 **Final Major Subdivision approval to subdivide the 136-acre property into four (4)**
17 **condominium units. PB2025-45-FMAJ**
18

19 Mr. Corwin explained the City's subdivision regulations. He said a provision under Section 6.3
20 of the Subdivision regulations allows certain condominium conversions to be exempt from
21 subdivision regulations under certain circumstances.
22

23 [At 6:38pm, Ms. Zook arrived.]
24

25 He said the applicant is proposing to subdivide the project into four land condominium units (in
26 order to facilitate the financing of the development):

- 27 • Back half of the property, currently not being developed (Land Unit 4)
 - 28 • 5 multifamily dwelling buildings
 - 29 • 51-unit townhome development
 - 30 • Maintenance building at the front of the lot
- 31

32 He said it is Staff's understanding that the applicant will come back to the City in the future to
33 request that the 51-unit townhome development be made into a condominium so all units could
34 be sold to homeowners, but that is not part of the decision before the Board tonight.
35

36 Mr. Corwin said the proposal to divide the development into four condominium land units
37 presents some conflicts between the City's subdivision regulations and state law. He said the
38 Planning Department has recently presented some questions to its legal counsel and is awaiting a
39 full response from counsel. He said a draft response from legal counsel did indicate that the
40 proposal requires subdivision review and does not fall under the exception of Section 6.3. He
41 said the applicant's legal counsel also provided input. He said it is up to the Planning Board to
42 decide if the application should be required to undergo subdivision review.
43

44 ***A MOTION was made by Andrew Faunce that the application of Brickyard One Nominee***
45 ***Trust, Hanover Street (Tax Map 48, Lot 1) PB2025-45-FMAJ is complete enough for the***
46 ***Planning Board to accept jurisdiction and commence review. The MOTION was seconded by***
47 ***Kellen Appleton.***
48

49 ****The MOTION was approved (8-0).***

1
2 Mr. Gil Aleixo, Mr. Rich Whitehouse (VHB), and Attorney Barry Schuster were present on
3 behalf of the applicant.
4

5 Mr. Schuster said the project proposes to divide the land into four land units like the
6 development at Quail Hollow. He said each land unit would become a condominium unit. He
7 said the project would not be subject to the subdivision regulation if the plans have not
8 undergone a material change in the use of the land. He said, when that is the case, subdivision
9 approval is only required if the Planning Director determines that the underlying existing use of
10 the property will be materially altered by the conversion. He said there are no changes to the
11 property or the use – just a change in ownership. He cited other condominium properties in NH
12 with no changes to the property or use that have not been subject to subdivision review.
13

14 Attorney Pat Panciocco said she was present on behalf of the applicant. She said the matter
15 requires the Board to consider a division of the land as opposed to a division of ownership. She
16 read the language of Condominium Act, 356B:5. She reiterated that there is no material change
17 in the use of the land – just a change in ownership – so the project should not be subject to
18 review by the Planning Board.
19

20 Chair Faunce said the 40-foot right-of-way easement that runs to a parking lot depicted on the
21 most current plans was not on the approved plans that the Board reviewed previously. He said
22 that road and parking lot might present a change to the experience of living and parking at the
23 development. Mr. Whitehouse said the easement on the plans follows the existing driveway and
24 it there to allow access to undeveloped Land Unit 4.
25

26 Mr. Achord asked what the financing need was that drove the change. Mr. Schuster said the real
27 driving force behind the change was to have the units be owner-occupied. Mr. Alexio said there
28 are no current plans to sell Land Unit Four. Mr. Collins asked if Land Unit Four could be sold to
29 another developer. Mr. Schuster said anything built on that land would have to be approved by
30 the Planning Board.
31

32 Attorney Decker said the change to the property in the current proposal is the 40-foot-wide
33 access easement and the fact that Land Unit 4 is in the RL3 zone. He said he reviewed the draft
34 declaration with respect to real property. It says that each land unit may be improved, used,
35 operated, owned and transferred in the same manner as any other parcel of real property, subject
36 to any restrictions of record. He said the easement was something that the Planning Board might
37 regard as a proposed physical change to the property because the Land Unit 4 development is
38 undefined and they don't know how much traffic might be going through that parking lot
39 between the five multifamily apartment buildings that are yet to be built. He also noted that,
40 when the Planning Board did its site plan review of this development, whatever is in Land Unit 4
41 was excluded from the review. He said there is no designated open space in that area. He said he
42 believes there are enough issues with this new proposal that the Board would be well served to
43 take some time to consider the meaning of Section 6.3.
44

45 Ms. Romano asked if there would be a “master” HOV that oversees all the land units and who
46 would be responsible for the pond and access to the trail. She asked if the cost to rehabilitate the
47 kilns on the property would fall to all the owners. Mr. Schuster said the maintenance of the
48 property, kilns, and pond would be the responsibility of the master HOA. Mr. Schuster said any
49 future ROWs would have to be put into the plans.

1
2 Mr. Collins asked if one person could buy all the units and rent them out. Mr. Schuster said that
3 had not been considered. Chair Faunce said it would not be in the spirit of the use and language
4 could be included in the Condominium Declaration. The group discussed the Treetop
5 Condominium development and how it may be similar to what is being proposed.
6

7 Chair Faunce opened the public comment portion of the meeting.
8

9 David Kroner (Hanover Street) said he had expressed concerns about drainage and flooding
10 related to the pond to the development team and he thanked them for addressing his concerns. He
11 asked if all the units will have access to the pond. Mr. Alexio said access to the pond will be
12 restricted by the owner of the development.
13

14 Chair Faunce closed the public comment portion of the meeting.
15

16 Attorney Decker noted that the City needs to consider land and existing buildings under single
17 ownership proposed to be converted into condominium form of ownership and no physical
18 changes to the property are proposed before the Planning Director can make a determination
19 about whether the use of the property is going to be materially altered. He said, in his view, the
20 40-foot-wide easement, combined with Land Unit 4 being set off by itself, and the terms of the
21 draft declaration stating that each unit of land unit is treated as its own parcel of real property for
22 all development and ownership purposes, are a reasonable interpretation that physical changes to
23 the property are proposed and anticipated.
24

25 The group discussed the idea that the intention for Land Unit 4 was always to be developed so an
26 access road was going to be needed in the future. They discussed how the Planning Board would
27 have to review and approve plans (including an access road) to Land Unit 4 should a
28 development be proposed.
29

30 Chair Faunce noted that the prevailing sentiment of the Board is that this request – to be able to
31 divide this project into condominium uses – appears to have the full interest and approval in
32 spirit of this board. Chair Faunce said the Planning Director will review the plans and either
33 approve the recommendation from the Planning Board or decide the plans do require subdivision
34 approval. The group decided to allow some time for the Planning Director to review the plans
35 and make his decision. The Board said they would like to know the reasons behind whatever
36 decision is made by the Planning Director once he has reviewed the request.
37

38 ***A MOTION was made by Andrew Faunce to continue the public hearing until the November***
39 ***24 Planning Board meeting. The MOTION was seconded by Karen Zook.***
40

41 Mr. Corwin said, if the Planning Director feels the request meets the requirements for exemption,
42 Staff would recommend that the determination was made (based on materials from the applicant
43 and their legal counsel, in addition to the opinion of the City's legal counsel) that the application
44 satisfies the criteria for Section 6.3 and is exempt from subdivision review. He said the applicant
45 would be notified and he said he would recommend to the applicant at that point that they
46 withdraw the application.
47

48 ****The MOTION was approved (8-0).***
49

1 At 8:10pm, Chair Faunce called for a recess.

2 At 8:15pm, the meeting resumed.

4. STUDY ITEMS

A. Discussion re: Master Plan Update and Implementation Process

7 Mr. Corwin said the Planning Department would like to give the Board background on what the
8 Master Plan is, a history of its adoption, implementation, and update process. He said
9 maintenance of the Master Plan is the key, non-regulatory function of the Board. He said the
10 discussion is going to be continued at the December 8, 2025 Planning Board meeting.

12 The group discussed the format and size of the Master Plan and whether a City department
13 should be in charge of it, as opposed to the Board. The group discussed how the Master Plan and
14 Strategic Plan often get confused. They discussed how the Vision Chapter and the Land Use
15 Chapter are the only two required chapters. The group discussed how residents seem to regard
16 the Master Plan.

18 Mr. Corwin said he would share links to the Town of Hanover's and the Town of Keene's master
19 plan rewrites. He said he could ask someone from their planning departments to join a future
20 meeting to discuss the process they undertook to update their master plans.

22 The group discussed the timeframe they had to make changes to the Master Plan.

5. OTHER BUSINESS

A. Review and Adoption of 2026 Planning Board Calendar

27 The group agreed to adopt the 2026 Planning Board calendar as presented.

6. APPROVAL MINUTES – October 13, 2025 and October 27, 2025

30 October 27, 2025 Amendment: Page 2, Line 24-25: Strike sentence about EV chargers

32 *A MOTION was made by Andrew Faunce to approve the October 13, 2025 and October 27,*
33 *2025 Planning Board Meeting minutes as amended. The MOTION was seconded by Don*
34 *Collins.*

36 **The MOTION was approved (8-0).*

7. ADJOURNMENT

40 *A MOTION was made by Kellen Appleton to adjourn the meeting at 8:54pm. The MOTION*
41 *was seconded by Don Collins.*

43 **The MOTION was approved (8-0).*

45 The meeting adjourned at 8:54pm.

47 Respectfully submitted,
48 Paula Roux
49 Recording Secretary